SWiPE

Successful Wildlife Crime Prosecution in Europe.

Successful wildlife crime prosecution in ITALY

National report

WWF

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I. Executive summary

Italy is a country characterised by a high propensity to commit crimes against wildlife (Wildlife Crime - WLC). The Italian peninsula, due to its geographical position, is at the centre of major trade routes within Mediterranean and European countries; in addition, due to its wealth of biodiversity, has also historically represented a crossroads of illegal activities to the detriment of wildlife.

The analysis of the data collected by the public authorities responsible for combating this type of crimes shows that most of the offences committed in Italy concern homeothermic wildlife, in particular birds. In addition, there are also crimes related to fishing at sea and in inland waters, as well as trafficking in live or dead animals (their parts or derivatives) which is favoured by the spread of telematic tools in particular the use of social media.

In the face of an expanding trend of these crimes, there is, however, a general lack of suitable tools to provide a clear and detailed representation of the phenomenon, its territorial spread and the specific elements that characterise it.
This lack consists of the absence of homogeneous databases in which the information coming from the activities of the police forces, the public prosecutor's offices and the other institutional subjects involved in the fight against wildlife offences converges. This clearly emerged during the data collection activity preparatory to the realisation of this study.

The absence of suitable data collection methods (and of the relevant tools) is a worrying element, since it prevents the full knowledge of the extent and diffusion of the phenomenon, thus compromising the planning of activities to prevent and tackle this criminal conduct.

Data collection main findings prove also that overall tools to combat this type of crimes appear to be lacking. It is necessary to update and implement regulatory provisions for the protection of wildlife, to increase sanctions and their effectiveness, but also to increase vigilance on the ground throughout the territory and allow easier data sharing between public authorities in order to better monitor trends in the phenomenon. Awareness - raising and training of magistrates, police forces and political decision makers, is also an essential objective in order to make them understand the real scope of these crimes.

The European Commission itself, while identifying the main causes of ineffectiveness of actions to hider wildlife crime - which therefore require decisive action - has identified three main problems relating to:

1. The Data collection system needed to constantly monitor the phenomenon and to plan prevention and repression actions;
2. The Surveillance system, also in the light of the considerable downsizing of men and means employed in this sector caused by a series of regulations during past years, first and foremost Law no. 56 of 7 April 2014, known as the "Delrio Law", which reformed the provincial functions causing, among other things, a drastic reduction in the number of personnel belonging to the various Provincial Police Corps
3. The Legislative framework and particularly sanctions, which are not suitable to provide effective countermeasures and need to be tightened

Following the activation of the above-mentioned procedure, Italy has started a consultation process between institutional subjects (Police Forces, ISPRA- *Institute for Environmental Protection and Research*, Ministries, Regional Authorities) as well as with

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some of the main Environmental Protection and Hunting Associations, for the drafting of a specific National Plan to fight the phenomenon.
The process, which began in June 2016, was completed on 30 March 2017 with the approval, at the *Permanent Conference of State, Regions and Autonomous Provinces of Trento and Bolzano*, of the "**National Action Plan for combating offences against wild birds**", the so-called "**Anti-poaching Plan**" (PNAB - Piano d'azione nazionale per il contrasto degli illeciti contro gli uccelli selvatici).

Thus, in April 2020, the Commission decided to close the case as a result of the Plan approval, reserving, however, the right to initiate an infringement procedure whether, should it emerge from reports produced within the framework of the Plan, that the legislation on nature conservation is unsuitable.

However, according to the annual reports released, five years after the approval of the Plan, more than half of the foreseen actions have not been implemented and, among those that have been carried out, many aspects need significant improvement.

The PNAB has not been implemented with regard to the three main aspects listed above, i.e. the need to amend the legislation, to improve the surveillance system on the ground and to achieve homogeneous, exhaustive and comprehensive data collection.
In practice, these actions have not started yet.

It should be pointed out that these serious gaps and shortcomings do not concern solely the protection of wild birds but affect the whole area of fauna and flora protection.

The following analysis is therefore strongly influenced by the lack of qualitatively and quantitatively valid public data. This lack of data was overcome and compensated by obtaining additional information from various sources, which has provided useful information for the acquisition of a series of analytical elements that have proved to be of undoubted interest for the purpose in question.

This work is divided into a first part in which an analysis of the Italian context has been carried out with reference to geographical, naturalistic, socio-cultural and regulatory aspects. This section is followed by a detailed examination of surveillance activities: the subjects responsible for carrying out surveillance, the existence of forms of coordination between public authorities and between these and voluntary personnel, and the number of different categories of surveillance personnel.

An analysis of the violations committed was then carried out, with particular reference to the effects on wildlife conservation, based on the data acquired within the project. Of particular interest was an in-depth analysis of the trafficking of species protected by the Washington Convention (CITES), with an indication of the main trade routes involving Italy, the species trafficked and the amount of penalties imposed for violations of the rules by the police in recent years.

Equally important is the experimental study of the data provided by the Wildlife Rescue Centres (CRAS - Centri di Recupero Animali Selvatici) of Valpredina and Vanzago (selected because they are located in one of the regions with one of the highest rates of crime), which has made it possible not only to find out the number and type of wildlife shelters affected by illegal conduct, but also to verify, through a series of comparative analyses, the connections between hunting and wildlife crime. This in-depth study has also made it possible to assess the extreme relevance of the data held by the CRAS and those that can be obtained from them in both statistical and investigative terms.

In the section dedicated to the analysis of judicial data, despite the shortcomings in terms of data acquisition mentioned above, it was possible to provide a clear representation of the reasons why WLC cases tend not to reach a verdict.

The report concludes with an analysis of the data provided by the Corpo delle Capitanerie di Porto (Corps of Harbour Offices-Coast Guard) on fishing offences, followed by a summary of some case studies.

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II. About the project

II. 1. Aims and main objectives

Wildlife crime causes a significant reduction in biodiversity and can lead to the extinction of animal and plant species in Europe, in spite of a regulatory framework consisting of different international conventions and EU legal instruments. Wildlife crime is not a petty crime. It poses a considerable and increasing threat to the environment and also to economic and social development and security. Such activities are often committed by organised criminal groups and in many cases involving corruption. Due to the scale of the problem, there is an urgent need for enhanced enforcement of laws and effective prosecution to counteract wildlife crime.

Project actions
Project activities aim to boost the awareness and capacity of prosecutors and selected law enforcement authorities to provide effective environmental compliance assurance, enhance cross-border knowledge exchange, and increase cooperation between relevant authorities. Overall, SWiPE will help to reduce the illegal killing of Europe's wildlife, support the recovery of threatened European biodiversity, the health of ecosystems, and decrease Europe's involvement in the illegal wildlife trade. With its activities, SWiPE aims to contribute to increasing the number of successfully prosecuted offences.

Objectives:

- Compile data on wildlife crime in 11 target countries and transfer our data to already existing, reliable databases on wildlife crime (where these are available) to enable access to information, improve comparison of data across Europe, and contribute to the work of law enforcement officers.
- Increase awareness, knowledge, and capacity of wildlife crime professionals (prosecutors and experts from enforcement agencies) in 11 target countries to improve national and cross-border governance in relation to wildlife crime investigations and prosecutions.
- Inform and drive meaningful changes to relevant national and European level policies to increase the recognition of wildlife crime, its seriousness and immense impact.
- Raise awareness of practitioners as well as the public on wildlife crime.

II. 2. Definitions

Wildlife crime, including poaching, wildlife trafficking, or illegal poisoning, causes a significant reduction in biodiversity and can lead to the extinction of animal and plant species in Europe and beyond.

There are various definitions of “wildlife crime”. For example, the United Nations Office on Drugs and Crime (UNODC) defines it as "harvesting and trade contrary to national [and international] laws”. Wildlife crimes can be categorised differently, for instance, based on the motivations of the crime, the species targeted, and the methods used. National regulations may use a combination of these categorizations when describing these offences.

The SWiPE project considers the term “wildlife crime” (WLC) as any form of illegal actions directly harming a protected species, which take place within the 11 project countries, covering species (animals and plants) protected under the CITES Convention, the EU Wildlife Trade Regulations and animal species listed in the EU Habitats and Birds

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Directives. Below is a non-exhaustive list of wildlife crimes and some of the wildlife crime categorizations we use:

- Poaching and illegal killing for sport;
- Predators or pest control and retaliation;
- Illegal catching\capturing, possession, supply and sale, export\import, illegal fishing;
- Illegal collection of eggs ;
- Non-selective catching and killing (e.g., poisonous bait, unselective and illegal nets, unselective traps);
- Trapping, harming.

III.2. Common methodology of data gathering (based on deliverables from B1 activity)

Data collection was focused on gaining information on:

a) **Gaps in the processes of WLC detection and prosecution:** This process was conducted through semi - structured interviews which were focused on obtaining information on institutional shortcomings, causes of latency, insufficient detection and reporting of WLC. It also covered questions on major obstacles to investigation, reasons for not initiating criminal proceedings, not bringing cases to courts, as well as possible legislative shortcomings and problems with application of law in practice at national and international level. In relation to data the questions were aimed at access to information, data collection and exchange of information, institutional cooperation at national and international level. Interviewees were also asked about what training would be needed in order to improve WLC detection and prosecution processes. The interviews were conducted with 1 or 2 representatives of each interviewed institution.

b) **Aggregated data** were obtained either from relevant institutions directly or from publicly available sources (websites, yearly reports, etc.). Aggregated data bring a basic information about the number of cases reported or investigated, the number and/or type of sanctions in the given period.

c) **Particular WLC cases** – data on WLC cases registered in the period 2015- 2020 were obtained from relevant institutions directly or from publicly available databases.

Scope of data:

- Type of incident: criminal offences; administrative offences; incidents documented by other than law enforcement authority (e.g. by NGO, rangers, hunters).
- Species: species protected under:
  - CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) - all listed animals (incl. terrestrial, marine and freshwater species) and plant species.
  - EU Habitats Directive - animal species
  - National law and regulation (normally related to hunting, fishing or nature conservation) - animal species
- Scope of illegal actions: Poaching; Illegal killing for sport; Control of predators/pests and retaliation; Illegal catching, incl. for pets; Illegal collection of eggs; Trading (all part of the trade chain including transportation, trafficking, sale, possession, consumption; the financing of such activities; laundering of species) ; Non-selective catching and killing that is potentially (and knowingly) endangering protected species i.e. poisonous bait, unselective and illegal nets, unselective traps; Trapping and/or harming;
- Types of crimes not included (but optional):

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- Harms to the ecosystem in general (i.e. fires and oil spills)
- Other forms of environmental crime (i.e. illegal waste dumps)
- Illegal killing of a non-protected species (i.e. shooting of wild boar)
- Illegal fishing of a non-protected species, outside the fishing period or without fishing permit

Timeframe of cases collected: 2015 - 2020: All relevant cases at any stage of their development during the time frame 2015 - 2020 (e.g. in case of courts - any available cases, not only those which have been finalised but also those under the process).

III.3. Country methodological notes - specificities of the Italian data collection activity – accessibility, completeness and consistency of data

The public system for combating WLC in Italy appears to be deficient and, in many respects, ineffective.

Regarding data collection, the tools prepared within the National Plan are not suitable to solve the previous deficiencies. The analytical data provided and made public in the PNAB annual reports are far from describing a precise enough framework on which to plan forecasting measures to combat the problem. This is particularly complicated, if not impossible, due to the lack of spatial and temporal homogeneity of the data provided.

This difficulty is due to a deeply fragmented data collection system. State Administrations do not have reliable databases, with rare exceptions (such as the Corps of Captains of the Corps - Coast Guard). In almost all cases, the databases in use are containers of aggregated numerical data lacking fundamental elements that go beyond the mere reference to the violated rules, such as, for example, the indication of the animal and/or plant species involved or the details regarding prosecution.

A further element to be considered is the excessive dispersion of data such as those relating to criminal proceedings concerning WLC. In these cases it is frequent that the conclusion is anticipated before the judgement or even before the opening of the hearing, due to the application of institutions such as the “particular tenuity of the fact”, the prescription or the oblation. This last one even determines the extinction of the crime.

In the light of this situation, an important source of information that allows this document to provide a sufficiently robust analytical framework derives from the consultation of the registers of the Centres for the Recovery of Wild Animals (CRAS), in some cases directly referable to WWF Italy. Those centres are operated in almost all cases with the contribution of volunteers, with rescue and rehabilitation activities for injured wildlife and which, thanks to the analyses carried out and the clinical data obtained, provide fundamental contributions to the public authorities responsible for carrying out investigations.

The aim of this work was therefore to analyse the registers held by the CRAS of Valpredina and Vanzago, located in the Lombardy region: in this area the highest number of wildlife offences is consistently reported through the years.

The objective pursued is to compensate, at least in part, for the serious and widespread lack of analytical data mentioned above. This information has therefore supplemented the data normally acquired by the authorities (first and foremost from the National Action Plan to combat offences against wild birds, known as the "Anti-poaching Plan" or PNAB).

It is believed that this approach, adopted on an experimental basis, may result in a contribution to improving the current situation regarding data collection, in particular by providing a better knowledge of the number of offences committed compared to those actually reported.

As will be shown below, this solution appears to be very effective.

The analytical approach adopted in this study, starting from the aggregated data acquired from the official databases, is therefore complemented by the information provided by the

CRAS. This information was also enriched by data obtained on the basis of an in-depth jurisprudential analysis carried out through the use of the main legal databases in Italy (Dejure, Italgiure), as well as the archive provided by the legal journal Lexambiente.it.

In order to further integrate these sources of information, numerous environmental covariates were taken into consideration (population over time by region, presence of particular target species on the territory, etc.) to try to represent the situation temporally and geographically, albeit with all the limitations better highlighted below.

A feature that will emerge strongly will be the particular focus of this report on huntable species: this is not because other species do not deserve the same (and indeed, in many cases more so because of the decreasing size of their populations) forms of protection or because they are not the object of widespread and serious illegal phenomena, but rather because it is extraordinarily difficult to obtain precise data in this regard.

IV. Country attributes

Three regions constitute Italy's geography continental, peninsular and insular. Italy is joined to the European continent by the chain of the Alps. Thanks to its position, the country is an ideal passage point between Europe and Africa. The frequent and vital passage of migratory birds that travel along the North-South route throughout the peninsula is witness to this. In addition, wintering migrant birds also travel through this route, reaching the Italian territory from Northern and Eastern Europe.

The State's area is about 301,340 km², of which the forest area, according to the latest forest census, occupies 11 million hectares - about 37% of the entire national territory. The latter figure has been increasing in recent years, reflecting complex reforestation dynamics linked to the abandonment of mountainous areas (2015 data, INFC [2]).

Italy is one of the founding states of the EU (23 July 1952 - ECSC, 1 January 1958 - EEC, EAEC), with an estimated resident population of around 59 million 200 thousand people by 2021 (ISTAT, 2021 [3]). The country's Gross Domestic Product is around €1650 billion by 2021, with a GDP per capita of €27871. Despite being a G7 economy, it is the only country in the Eurozone that has seen its per capita purchasing power fall in recent decades. However, at first glance, economic data do not seem to influence poaching dynamics, in contrast to cultural factors linked to poaching.

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Fig. 1 - Background

FIg. 2 - Height zones - digital terrain model

Fig. 3 - Biogeographical regions

Fig. 4 - Natura 2000 areas

Italy has an extremely complex and varied biogeography (fig. 1, 2) with a multiplicity of climates and environments (fig. 3) that makes it a leading European country on biodiversity topics (EEA, 2021 [6]). The country's protected areas cover 21.3% of the territory and 1.98% of the territorial waters (fig. 4). These percentages translate into 580 species and 132 habitats protected under the Habitats Directive (92/43/EEC).

This apparently large number of protected areas should, however, not be misinterpreted, as only a fraction of these have an adequate management plan as well as effective control regimes.

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Fig. 5 - Location of most poached species

The great ecological variety is reflected in a considerable diversity of traditions linking the presence of species to the history of human populations.

Cultural **tradition** is one of the main drivers of wildlife crime. An example is the killing of various protected animals for food purposes, including dormice in demand in some areas

of Calabria, porcupines and badgers in central Italy, water birds killed in 'tanks' in the Caserta area, or fishing for sea dates along the coasts of Campania, sea urchins in Apulia and Sardinia and eel fry in Tuscany.

A widespread illegal practice is 'bird trapping', i.e. the capture of an indiscriminate number of birds using methods other than firearms, such as nets, bows, mistletoe, strings or other fixed instruments. Based on the most recent available data, BirdLife has estimated that between 3,400,000 and 7,800,000 birds are illegally caught each year in Italy (average value of 5,600,000 individuals), compared to the 11-36 million individuals per year in the entire Mediterranean region [4]. **Italy, therefore, contributes between 20% and 30% of the birds taken in the whole Mediterranean basin**. These figures show that the problem is of absolute importance and requires strong action to combat it. Italy's "Anti-poaching Plan" has identified seven areas with a high concentration of crimes against wildlife, defined as black spots [9] including the Lombardy-Venetia Pre-Alps, the Po Delta, the Pontine-Campania coasts, the Apulian coast and wetlands, southern Sardinia, western Sicily and the Strait of Messina.

A peculiar instrument used in traditional practices of bird trapping is bird snares (or “roccoli”) [1].These are fixed tree structures placed in a circled fashion, created to encourage migratory birds to stop near nets designed to capture them and then be used as "live decoys" for fixed-game hunting. Although traditional in Lombardy, such installations are widespread throughout the country as it emerges from an analysis of toponyms.

Italy banned such structures in 2015 through the approval of Law no. 155 of 29 July 2015 (European Law 2014), following the opening of infringement procedure no. 2014/2006/EU. On several occasions, most recently in 2019, Lombardy attempted to allow the use of such structures to capture 12,700 birds. The administrative courts and, in certain cases, even the Italian Government and the European Commission stopped these attempts through a series of rulings.

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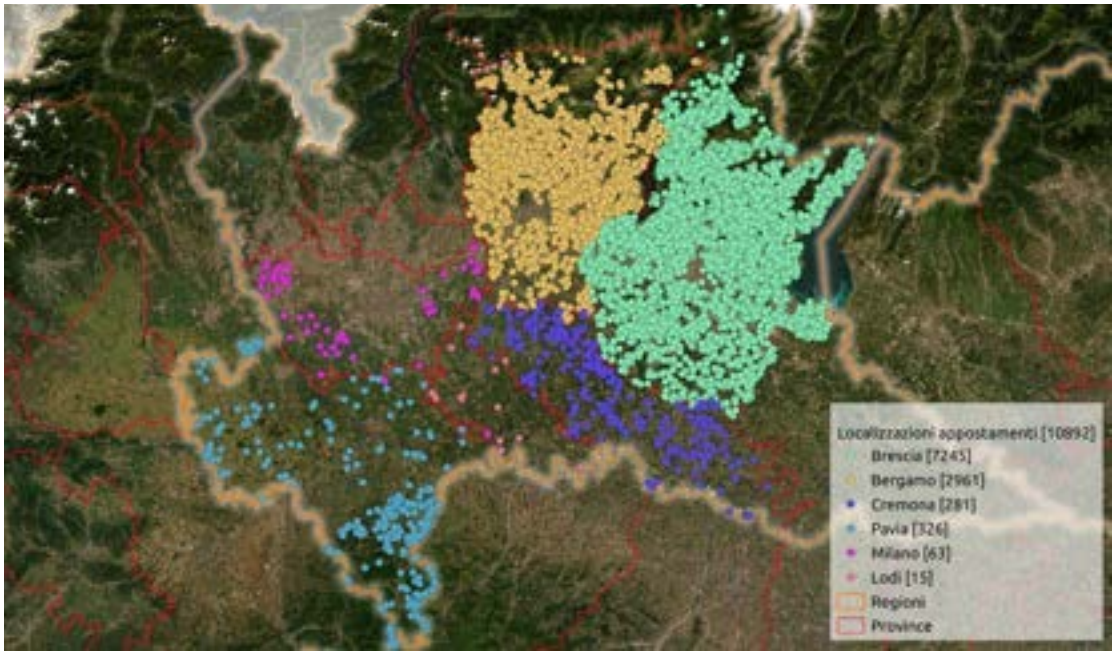

Fig. 6 - Prevalence of fixed hunting posts in Lombardy, mainly used for the capture of wild birds (data from Lombardy region)

Fig. 7 - Toponyms related to roccoli on the national territory

Fig 8 - Goldfinch (Carduelis carduelis) caught in an illegal roccolo - WWF Italy Voluntary surveillance

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Italy's orography facilitates bird trafficking and, more generally, crimes against wild birds, especially migratory birds, as it is a "landing point" on the Europe-Africa migratory route for hundreds of thousands of individuals each year. It is also the state with the greater length of the Alps barrier.

As far as Northern Italy is concerned, research stations of the Progetto Alpi [5] coordinated by ISPRA provide evidence of the multiple migratory flows. In the twenty years since the Project started, these ringing stations have made it possible to record the migration of hundreds of thousands of individuals every year.

Fig. 9 - Research stations of the Progetto Alpi [5] in red and mountain passes to protect migration regularly established by the Fauna Plans in green. It is worth noting the absence of identified passes in the Autonomous Province of Bolzano - whose Fauna Plan has not been made public - and in the Piedmont region, which in its Plan seems to prefer a determination of criteria according to which to establish "protection zones for migratory birds" to the identification of passes."

Given these impressive migratory flows, Law no. 157/1992, which regulates hunting activities, bans hunting "on all mountain passes affected by the bird migration routes for a distance of one thousand metres from them" (art. 21, paragraph 3).

The precise identification of mountain passes is essential to ensure adequate protection of migration routes, and the inhibition of hunting activities can significantly reduce the risk of illegal episodes. However, this activity is the responsibility of the individual Regions, which are often totally or partially at fault.

For example, from the analysis of (past and still active) locations of ringing stations of the Progetto Alpi [5] and the comparison with the provisions of the Fauna and Hunting Plans of the Alpine regions, it emerges that these areas are not always formally identified as passes and the relative hunting bans are not applied (fig. 9).

Furthermore, to protect migratory species more effectively, it would be better to extend protection not only to the passes as such but also to the "migratory routes" considered in their entirety and contextualised in the territory they cross. These routes should include straits, headlands and small islands, representing a sort of "fast track". These are often obligatory transits for birds during mountain ranges crossing, either because of a particular orography or the presence of important food sources (e.g. bacciferous plants) along the route.

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It is worth noting that while Italy has as many as 626 SPAs (Special Protected Areas), set up under the Birds Directive to protect migratory routes of birds, the legislation in force only sets general and ineffective limits for the practice of hunting of migratory birds in these areas, thus encouraging the risk of illegal conduct.

Fig. 10: distribution of SPAs in Italy[1]

However, the capture and killing of wildlife for traditional purposes is not the only sector with a widespread and deep-rooted tendency to adopt criminal actions against Italian fauna. Another example is the killing of large carnivores, such as wolves, due to the failure to implement policies favouring coexistence, and the identification of these species either as 'problematic' for the world of animal husbandry and inconvenient competitors for the world of hunting. Other species such as cormorants, herons and birds of prey are also illegally killed because they are considered 'harmful'. In addition, a widespread practice consists in taking eggs or chicks from nests of birds of prey to feed illicit trafficking linked, for example, to falconry and the capture of species such as goldfinches, or the killing of birds of prey such as the honey buzzard for 'ornamental' purposes. These forms of illegality, rooted in local traditions, are still widespread today, as confirmed by the most recent police operations and what emerges in the documents published by the 'Anti-poaching Plan'.

Another little-known phenomenon of illegality is the one perpetrated against hundreds of species considered 'minor fauna' (such as amphibians or reptiles) for which protection and conservation actions are inadequate, particularly outside protected areas.

Amphibians are a significant example of overlooked species. This class is the **most globally threatened with extinction** among the various faunal groups due to various causes, including wetland destruction and fragmentation, invasive alien species and

[1]To note that the following activities, works and interventions are prohibited in the SPAs: [... f) hunting before the third Sunday in September, except for hunting ungulates without dogs and the use of track dogs to recover wounded animals; g) hunting in January, except for hunting from a fixed position on Thursdays, Saturdays and Sundays and selection hunting of ungulates; h) hunting after sunset, except for selection hunting of ungulates; "

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diseases. However, these species are rarely explicitly mentioned in regional regulations (except for the prohibition of egg collection, e.g. in Veneto's legislation), let alone in national ones. Moreover, amphibians are also directly threatened by illegal harvesting linked, for example, to terrariophilia. A particularly representative species is the Aurora salamander (*Salamandra atra aurorae*), an endemic species exclusive to Asiago (Veneto) and Vezzena's (Trentino) plateaus. According to the IUCN (International Union for Conservation of Nature), Italy hosts 45 species of amphibians. Population trends are declining for at least 53% of the species (n=24). In addition, at least 7 species are considered at risk of extinction [13].

Fig. 11 - a common toad, Bufo bufo, dangerously crossing a busy road (ph. Stefania Dal Pra, WWF Trentino)

Fig. 12 - a common toad, Bufo bufo, saved from road traffic by a volunteer (ph. Aaron Iemma, WWF Trentino)

Fig. 13 - Aurora salamander (Salamandra atra aurorae), an endemic species particularly protected under the Habitats Directive (ph. Karol Tabarelli de Fatis, WWF Trentino)

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V. Legislation concerning wildlife crime and competencies

V.1. Legislation

a) General introduction

Measures to combat WLC in Italy are based on an organic system of national, regional and local provisions. In almost all cases, these legislative frameworks integrate into the Italian legal system of the principles and prescriptions present in the European Union's Directives and Regulations and the international conventions ratified by Italy.

Homeothermic wildlife protection

Homeothermic animals are protected by law no. 157/1992. The same law also regulates hunting. The law defines wildlife as "not freely disposable goods of the State". However, the legislation is not very suitable for guaranteeing an adequate level of protection. It is full of contradictions, lacks effective implementation tools and is biased towards maintaining freedom and concessions towards hunters to the detriment of even primary protection needs.

Art. 1 (157/1992) clarifies that hunting activities can be carried out "*provided they do not conflict with the need for wildlife conservation and does not cause real damage to agricultural production*",establishing a natural hierarchical order where hunting is subordinate to principles of priority importance, in particular the protection of wild fauna. Nevertheless, the provision has immediately revealed its limitations in those parts where it allows the continuation of activities with a highly negative impact on the principle of animal protection. It also sets out inappropriate tools to control, prevent and repress non-compliance, degeneration, abuse and even illegality, with regards to the stated purpose.

For these reasons, law no. 157/1992, which should protect wildlife, actually deals only with species of hunting interest, forgetting all the wildlife considered as "minor" (reptiles, amphibians, insects and aquatic organisms). Although these species are considered of minor importance, they represent fundamental elements of biodiversity and are in dangerous decline. Therefore, there is a need to strengthen all species protection under unitary legislation.

Over the years, the effects produced by these regulatory loopholes, denounced at the time by several organisations, including those working to preserve and protect the environment, have become more and more evident in the past decade. There have been significant changes from the 90s to today at both the legal/institutional level and the scientific/conservation level. These changes have not resulted in a corresponding evolution of the regulatory text, still anchored on the structure outlined in 1992. In particular, from the historical analysis of parliamentary proceedings, a constant and concrete difficulty emerged in introducing substantial changes to the law to strengthen species protection levels. Nevertheless, Italy adopted significant innovative actions, although most often as a result of European stimuli and without a fierce parliamentary debate aimed at weakening species protection to provide concessions to the hunting sector.

The limits of Law no. 157/1992 can be ascribed to three fundamental pillars:

1. **Regulatory and Legislative competence** - As the Constitution gives the State exclusive competence in environmental protection and the region exclusive competence in hunting and fishing, this factor has fostered a conflict of attributions and has called upon the Constitutional Court to declare as unconstitutional dozens of regional laws that reduced the standard of

environmental protection set at State level. Furthermore, the administrative court detects every year dozens of cases of illegal hunting calendars;

2. **Governance and Territorial Planning** The Italian territory is divided into Territorial Hunting Areas and based on a self-management system entrusted, among others, to hunting associations, which are acknowledged to receive financial resources, thus promoting a tendency to intervene in order to encourage the recognition of wider concessions to the hunting world instead and not to increase of conservation measures;

3. **Prevention and Repression** of unlawful phenomena is based on a system of general prohibitions and excessively low criminal, administrative and accessory penalties in relation to the damage inflicted and compared to the scope of the protected legal asset.
   Penalties are indeed not always applicable and, when dealing with criminal penalties are **only linked to minor offences** and can often be easily avoided by the offender through the application of a series of institutions namely, the "***Oblation***" (Articles 162 and 162-bis of the Criminal Code) and the exclusion of punishability for the "***particular tenuousness of the fact***" (Article 131-bis of the Criminal Code). The subjects in charge of supervising the enforcement of the aforementioned prohibitions and of those prescribed by the various regional laws, first and foremost the staff of the Provincial Police and of the Forestry, Environmental and Agro-alimentary Unit Command, as will be explained shortly, have undergone - due to a series of regulations enacted in the past years - a drastic reduction in terms of both personnel and functions, which has resulted in a reduced guarantee of effective control throughout the national territory. The implementation of the Voluntary Hunting Guards of the Associations is also strongly hindered by the lack of law regulating their activity at a national level, even though they carry out a fundamental support action to the Public Authorities.

ILLEGAL, UNREPORTED AND UNREGULATED FISHING

With regards to illegal fishing, the Italian legislator (the Parliament) has regulated the fishing sector through the legislative decree n. 4/2012, outlining the "Measures to reorganise the legislation on fisheries and aquaculture according to Article 28 of the Law of 4 June 2010, no. 96 ". Furthermore, art. 7, d. Lgs. N. 4/12 provides a specific definition of illegal, unreported and unregulated fishing and sets up specific bans taken from the European regulations, listed as follows:

- prohibition to catch, fish, hold, tranship, land or disembark, transport and trade species whose capture is prohibited at any stage of growth in violation of current legislation;
- prohibition of damaging biological resources of marine waters through the use of explosive materials, electricity or toxic substances likely to numb, stun or kill fish and other aquatic organisms;
- prohibition to collect, transport or trade fish and other aquatic organisms that have been numb, stunned or killed in the way described above in letter b);
- prohibition on fishing in those waters under the jurisdiction of a regional fisheries organisation, violating conservation or management measures and without having the flag of one of the member states of that organisation;
- prohibition of misappropriate or take away the aquatic organisms subject to other's fishing activities exercised by means of fixed or moving gears or instruments, both when the fact is committed with direct action on such stationary or mobile tools, both by carrying out fishing in violation of the respect distances established by current legislation;
- prohibition of misappropriate or take away aquatic organisms found in water areas withdrawn from free use and reserved to fisheries and aquaculture

establishments and otherwise possess hold, transport and trade in such organisms.

These prohibitions have specific recipients in those who practice the two different types of fishing: professional and non-professional fishermen.

With regard to Marine Protected Areas, on the other hand, the relevant regulations are contained in Law no. 979 of 31 December 1982, concerning 'Provisions for the defence of the sea', and in Law no. 394 of 6 December 1991, the so-called 'Framework Law on Protected Areas', which, in art. 19, specifies that a regulation must be adopted for each MPA, regulating in detail the prohibitions and possible derogations according to the degree of protection required by the protected area itself.

Also with regards to illegal fishing, it should be noted that fishing offences have been decriminalized and classified as administrative offences. Therefore, the use of gear or tools that are not allowed by EU or national regulations is no longer considered by law as a crime as a result of the decriminalization carried out by Article 27 of Legislative Decree No. 4 of January 12, 2012. However, in the case of illegal fishing activities carried out with destructive methods (explosives, use of chemical substances, etc...) the stricter discipline of Art. 452 bis, Criminal Code, which incriminates individuals who abusively cause "impairment" or "deterioration" of the marine environment in a "significant" and "measurable" manner, applies. These two requirements, however, limit the scope of Art. 452-bis, c.p., thus being considerably elevated the level of lesiveness of the conduct, excluding lesser acts

PROTECTED AREAS

Article 30 of Law No. 394 of Dec. 6, 1991, "Framework Law on Protected Areas," provides for a series of both criminal and administrative penalties certain sanctions, in addition to which there are some ancillary upon the establishment of the offence committed, whether criminal or administrative.

Both the penalties prescribed for crimes and those for administrative offences, are characterised by relative mildness and ultimately result in insufficient deterrence of violators of the prohibitions. In addition to this, the Lawmaker, outlining the repressive framework, also intended in this case to classify criminal offences as misdemeanours.

TRADE

Law No. 150 of February 7, 1992, sets forth the regulation of offences related to the application in Italy of the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed in Washington on March 3, 1973 (CITES) referred to in Law No. 874 of December 19, 1975, and EEC Regulation No. 3626/82.

The Cites Certification covered in that rule, guarantees the lawfulness of international trade in endangered species, ensuring their survival in the wild, including international timber trade (illegal logging), or illegal logging.

CRIMINAL CODE

The Criminal Code contains a number of applicable offences in the area of law enforcement against WLC..

Article 727 - bis of the Criminal Code punishes the killing, destruction, capture, removal, possession of specimens of protected wild animal or plant species. Again, however, this is a misdemeanour offence.

On the other hand, Title IX bis of Book II of the Criminal Code under the heading "Crimes against Feelings for Animals" provides for a further set of provisions: killing of animals (Article 544-bis); mistreatment of animals (Article 544-ter); prohibited shows and demonstrations (Article 544-quater); and prohibition of animal fighting (Article 544-quinquies). In this regard, it is important to note that although these offences are crimes, under Article 19b of the Coordination and Transitional Provisions for the Criminal Code the application of these offences to conduct engaged in hunting activity is excluded.

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This measure implies a range of adverse effects in relation to the pursuit of the objective of protecting the environment and wildlife.

Sanctions related to crimes such as: damage (art. 635 of the Criminal Code), destruction or defacement of natural beauty (art. 734 of the Criminal Code) applicable, for example, to cases of destruction of nests, unauthorized forest cutting, etc.; theft (arts. 624, 625) applicable when the so-called "hunting theft" conditions or timber theft are met; receiving stolen goods (art. 648 of the Criminal Code) can also be applied, if all the conditions are met.

b) Wildlife crime provisions

Sanctioned actions	**Relevant legislation**	**Responsible Authorities for monitoring, detection and investigation**
Bird hunting, use of prohibited, hunting equipment, hunting of prohibited species, hunting during prohibited periods.	L. n. 157/1992 - artt. 3, 13, 18, 30, 31, 32	Art. 27: Provincial and Metropolitan Police, Regional Forestry Corps, Forest, Environmental and Agri-food Units Command of the Carabinieri (CUFA), Voluntary Surveillance.
Traded in protected animal and plant species	Law No 150/1992 - Art. 1, 2, 5, 6, 4	CITES Carabinieri Group, Finance Police Department.
Complementary rules for the control of weapons, ammunition and explosives	Law No 110/1975, Art. 4, 20, 20bis	All enforcement authorities
Protected Areas	Law No 394/1991, art. 2, 11, 19, 22, 30	CUFA, Port Authority/Coast Guard, regional guards, employees of park authorities, voluntary guards (rangers).
Unauthorised carrying of weapons, Embezzlement, Receiving stolen goods, Counterfeiting public documents, Hunting theft, Criminal association, Abandonment of animals, Maltreatment of animals, Refusal to disclose identity	Criminal Code, art. 61, 81, 314, 492, 544 ter, 624, artt. 625, 635, 651, 699, 703, 724, 734	All enforcement authorities
Provisions for the Defence of the Sea - Marine Protected Areas	Law. no. 979/1982, Law. no 6 . 394/1991	Coast Guard Harbour Offices, police of local authorities delegated to manage the same protected areas, employees of the Park Authority.
Prohibition of fishing and trade in prohibited species, damage to marine habitats,	Legislative decree 4/2012	Article 22 Harbour Office Corps - Coast Guard, Guardia di Finanza,

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collection of and trade in organisms hunted by illegal means, prohibition of fishing in waters under regional jurisdiction or free use.		Carabinieri, Public Safety Officers, sworn officers

Tab. 1 - Normativa italiana rilevante per i wildlife crime

(c) Potential elements for improvement as regards legislation

- The majority of offences are contraventions, which, in addition to resulting in the application of penalties that are excessively reduced compared to the scope of the legal good protected, allows the application of legal institutions such as Oblation or Exclusion of punishability for particular tenuousness of the fact that favour the early extinction of the judgement. Penalties need to be raised by transforming contraventions into offences.
- It is necessary to facilitate the enforcement of measures such as seizure, confiscation or licence revocation, whose deterrent effectiveness has often proven to be much higher than that of criminal sanctions.
- The Constitution entrusts the state with exclusive competence in environmental protection and the region with exclusive competence in hunting and fishing. Regions that have failed to adopt protection measures required by state legislation and are often the authors of legislative or administrative measures that reduce protection, such as the use of 'hunting in derogation'
- Hunting calendars: Regions the regions have wide powers to determine when, how and in which areas hunting can be carried out The historical/legal analysis of the last twenty years confirms the tendency of the regions to extend the hunting season by resorting to early openings and delayed closures allowing the hunting of declining species, often in contrast with the opinions provided by ISPRA. Every year, this trend leads the regional administrative courts to declare the illegitimacy of these measures, which, if not appealed, would allow hunting activity to be authorised beyond the limits dictated by national legislation.
  More binding instruments must be adopted by the regions, also by conferring binding power to ISPRA's opinions
- Law 157/1992 contains a series of prohibitions that are vaguely formulated and not suitable to ensure a fight against unlawful phenomena: as a example, electroacoustic decoys, although prohibited, are freely sold (even in armouries and specialised shops for hunters) and freely held, and their use in hunting activities is widespread.
- The staff responsible for WLC surveillance is small in number and often lacks adequate levels of training and resources, both for hunting surveillance and for fishing surveillance in inland waters and, above all, at sea. Voluntary guards often provide crucial support but, in the absence of a unified regulation of the sector at national level, their activity is too fragmented.
- Current legislation does not provide for appropriate measures to control WLCs committed through the use of IT tools.

V.2. Analysis of the enforcement authorities

Authority	Scope of offences	Competences

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Administrative authority		
General Directorate for Natural Heritage (PNA) of the Ministry of Ecological Transition (MITE) -Division III - Biodiversity, Flora and Fauna, CITES	All hunting activities and fulfilments under Law No. 157 of 11 February 1992 (hunting during the general prohibition period, killing, capture or possession in breach of Law No. 157, hunting in national parks, regional nature parks, nature reserves, protection oases, repopulation and capture zones, urban parks and gardens, land used for sporting activities, the practice of bird catching, trade or possession of wild fauna in breach of Law No. 157, etc.); National implementation of extinction (CITES) and related EU regulations	Activities related to Natura 2000 Network management in coordination with DG MAC; Prevention and impact assessment, including potential impacts on biodiversity, protected ecosystems, flora and fauna species, CITES, and natural capital; Hunting activities and compliance with Law no. 157 of 11 February 1992; Protection and sustainable management of forests; National implementation of the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and related EU regulations; support for the CITES Scientific Commission, zoos.
Regional and Provincial Authorities	Environmental Crimes	- repression of environmental crimes - fish/farming surveillance - wildlife control - zoo and animal protection police
Police departments, guards, others		
Harbour Offices - Coast Guard	Illegal Fishing	- duties relating to civil uses of the sea - protection of human life at sea, safety of navigation and maritime transport - protection of the marine environment and its ecosystems - supervision of the entire maritime fisheries chain, from the protection of resources to that of the end consumer. - Inspections on national merchant, fishing and pleasure vessels, also carried out on foreign merchant vessels calling at national ports
Forest, Environmental and Agro-Food Units Command (CUFA)	as far as is concerned here, CUFA are committed to the suppression of environmental crimes	Direction, co-ordination and control of the Carabinieri Biodiversity, Parks and CITES Groups
CITES Carabinieri Group	Trafficking of protected species on national territory	- tackle and investigate trafficking in protected species on national territory; - raise awareness and educate citizens about legality

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Provincial and Metropolitan Police Corps	as far as it is pertinent here, the provincial and metropolitan police corps are committed to the suppression of environmental crimes	- enforcement of environmental crimes - fish/farming surveillance - wildlife control - zoo and animal protection police
III section of the Supreme Judicial Court	- cultural and environmental heritage; - hunting and fishing; - mistreatment or illegal use of animals	- offences relating to cultural and environmental assets - hunting and fishing offences; - offences of mistreatment or illegal use of animals
Volunteer agents/ rangers	as far as is relevant here, voluntary agents are involved in the surveillance of wildlife offences	fisheries and hunting surveillance

Tab. 2 - autorità competenti per la sorveglianza

As mentioned above, surveillance is a critical component to address WLC (WWF Italia, 2022 [12]). Over the years, the provincial police corps have played an important supervisory role, particularly thanks to the specialized skills gained to address and prevent WLC. The provincial police force were originally the "gamekeepers" employed by those who were once the provincial hunting committees established under the Royal Decree June 1939, n. 1016.

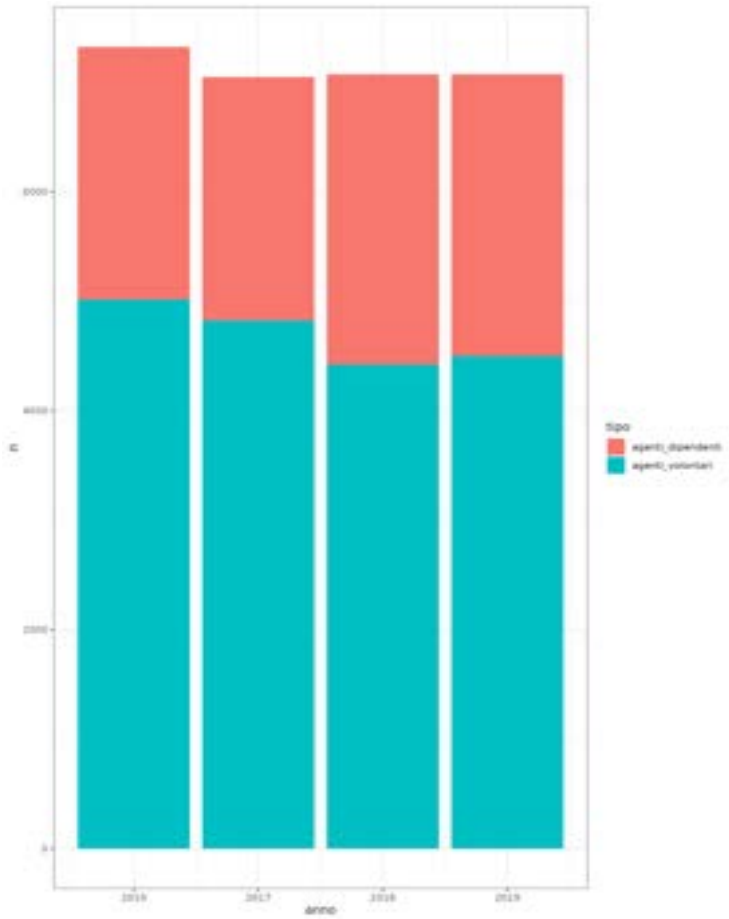

Fig. 14 - dettaglio. Personale adibito alla sorveglianza venatoria sia volontario che dipendente: da notare che entro il personale di vigilanza volontario rientra anche una grande ed imprecisata fetta di cacciatori (dati MiPAAF - - Ministero delle Politiche Agricole e Forestali)

Following the reform of provincial roles referred to in Law 7 April 2014, n. 56, named the "Delrio Law", and the subsequent adaptation to regional legislation, the provincial police corps were downsized. In some provinces, these corps were completely eliminated or their staff significantly decreased due to transfer or reallocation of functions.

Only a few regions stipulated agreements, conventions, or measures to allow local police personnel to continue carrying out activities to control fishing and activities and recover imperilled wildlife.

According to data published by the Union of Italian Provinces in 2020, before Law 56/2014 was put into force, all the provinces were equipped with corps and police services with around 3000 employed units. Currently, however, only 69 out of 76 provinces are equipped with a provincial police structure with a total of 999 employees and 781 agents. On average, there are 14.5 employees in each provincial police's corp. Only 26 provinces have an above-average number of employees, while another 43 have lower-than-average number of staff employed (UPI, 2020 [19]).

In 2007, according to ISTAT, the staff employed amounted to 2,890 units, mostly belonging to the provincial police corps and, to a lesser extent, to the provincial wildlife and hunting monitoring services (ISTAT, 2007 [20]). Carabinieri Corp absorbed the State Forestry Corp following the Legislative Decree no. 177 of 19 August 2016. Within the Carabinieri, a **Command of Environmental Forestry and Agro-Food Units** (CUFA) was established. The modalities, timing, and historical period, in which this change took place, has created destabilisation, particularly for on-the-ground activities.

Almost five years after the birth of the CUFA, two fundamental issues need to be urgently addressed. On the one hand, there is the need to increase the on-the-ground presence of specialised personnel and, on the other, to set up specific and high-level training activities to increase the wildlife protection and hunting surveillance. To date, there are vast areas of the country without a real monitoring presence. There are barracks with very few units, sometimes with only a single soldier or even none, unable to carry out even the most ordinary operation of patrolling the territory. For example, the area of Messina, one of the seven "hotspots" identified in the Plan ``Anti-poaching Plan", is completely devoid of a CUFA unit. This implies that when an illegal activity is reported, the nearest unit, which presides in Catania, is forced to go to the designated place, which sometimes means a journey of more than 100km.

Employees of the Ente Parco, a body that has the tasks of protecting the environment and awareness raising, are also assigned surveillance and monitoring authority in Protected Areas as referred to in L. 394/1991, with the role of Security Guards.

The monitoring and surveillance of sea waters is under the Harbour Offices - Coast Guard, CUFA and local authorities.

b) Judicial system and procedures for wildlife offences

As confirmed by the interviews and the information acquired through the working groups organised during the data collection phase, the Italian legal system does not requires judicial offices to have specialised environmental sections.

There are, however, numerous examples of courts and public prosecutors' offices with individuals or groups of prosecutors particularly specialised in such matters.

Even within the Supreme Judicial Court there is a section to responsible for criminal proceedings in environmental matters, the III Criminal Section.

This section, in fact, deals, inter alia, with:

- Crimes related to cultural and environmental heritage;
- Crimes related to hunting and fishing;

- Crimes of mistreatment or unlawful use of animals;

Environmental offences may thus be "assigned", within the individual court or prosecutor's office, to certain more competent and experienced judges or prosecutors, based on internal office directives.

In any case, except for the provisions of Article 132 bis disp. att. c.p.p., which indicate the priority criteria the judge must follow in the establishment of hearing rosters and in the handling of trials, the discretion of the individual judge to deal primarily with other matters, discretion of the individual judge to prioritise other matters remains unaffected, as does the discretion of the chief prosecutor to prioritise other types of crimes.

In fact, according to a certain orientation, which expresses firm opposition to the development of priority criteria by the managers of the investigating offices, the identification of priority sequences for the Public Prosecutor's Offices should be conformed to the choices of the judging offices, as can be inferred from Art. 132 bis disp. att. c.p.p. and as argued by the C.S.M. by resolution 9.7.2014, or still inferred from the edictal limits of the cases, so as to make specific provisions on the point by the managers of the investigating offices unnecessary. [25]

in addition to these preliminary remarks, there are further considerations expressed by almost all of the magistrates interviewed, about the functional deficit of the criminal justice apparatuses and the lack of expertise in environmental matters in general. In particular:

- historically **hypertrophic features** of criminal law;
- almost **zero knowledge** in the area of wildlife crimes;
- chronic lack of personal and material resources;
- structural deficiencies of the criminal trial model introduced in 1988, exacerbated by the **criminal justice reform**, aimed at reducing trial time and making criminal proceedings faster and more efficient.

Given everything stated above, it is easy to understand the **scarce consideration** assigned to the subject, by both the judiciary and the prosecution, and the consequent **marginality** (and **negligibility**) cases pertaining to wildlife crimes and so-called nature crimes in general.

In conclusion, with reference to the actual framework of competencies and specializations in wildlife crimes, it can be stated that in Italy there are some prosecutors' offices and courts (numerically very few) with specialized sections in environmental matters and/or magistrates who are particularly attentive to the need to ensure wildlife protection.
Even in these cases, it is worth repeating, however, this attention depends actually on the sensitivity of the prosecutors and magistrates who make up the office and on the "criminal policy" choices made by the individual prosecutor's office.

c) Other stakeholders

The staff of the Ente Parco that perform monitoring and surveillance duties have an essential and strategic role. They support public enforcement authorities not only under quantitative terms, with an increased on-the-ground presence of equipped personnel, but also, and above all, a qualitative profile. These voluntary units of hunting and fishing monitors are often made of highly specialised personnel. The presence of adequately trained staff is ensured by the presence of voluntary monitoring units from environmental protection organisations.

Despite the decisive importance of voluntary surveillance units, there is no systematic and uniform discipline at national level in this sector. This has an impact on the

effectiveness of the voluntary units themselves. One element to consider is the absence of a regulatory indication as to the frequency within which the regions are required to organise the courses and exam sessions prior to the oath of the new Security Guards. This situation is an obstacle to the possibility of setting up new voluntary guard units or enlarging the existing ones.

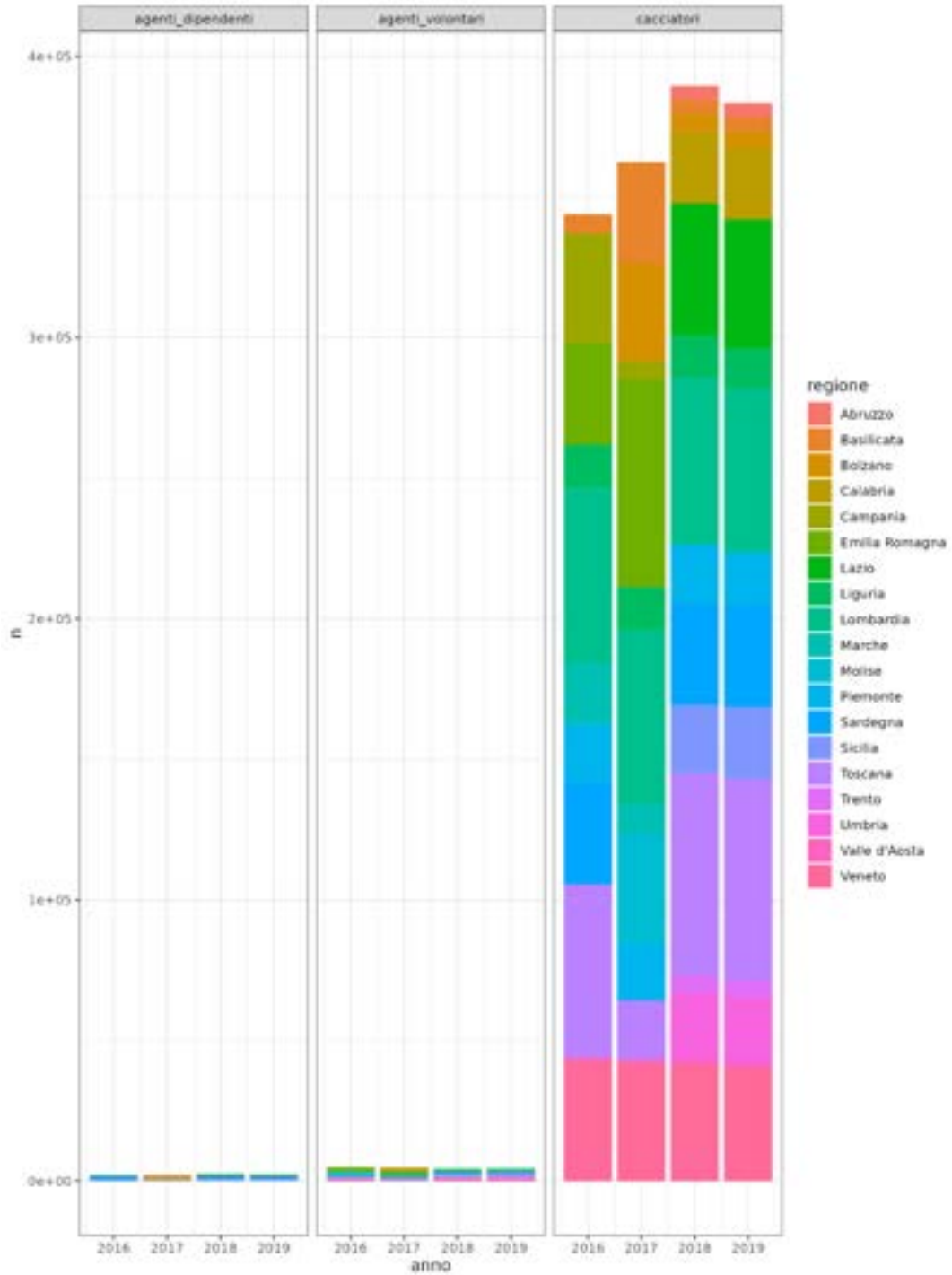

Fig. 15 - Ratio of local authorities, voluntary and employed, and hunters, assigned to conduct on the ground surveillance over the years by regions (dati MiPAAF - Ministero delle Politiche Agricole e Forestali).

Particularly relevant is the disproportion between the number of volunteer agents and employees and the number of hunters on the ground. Although this disproportion has declined slightly, the ratio between surveillance personnel and hunters is almost always below 2% (for 2016, 2017, 2018 and 2019 respectively 2%, 1.9%, 1.81% and 1.84%). Considering only those regions that have submitted reliable data over the years, Campania, Molise,

Abruzzo, Lombardy and Lazio are all well under the 1% of guards compared to the number of hunters for the total number of years considered.

d) Cooperation

In the Italian legal system, as regards **criminal proceedings**, various rules regulate the cooperation between the judiciary and the police forces. .
From the investigation activities, with the communication of the crime report by the judicial police (P.G.) pursuant to Article 347 of the Code of Criminal Procedure, from the record of the investigation activities to be rendered to the Public Prosecutor (P.M.) pursuant to Article 357 of the Code of Criminal Procedure, to the execution phase, in particular with the order to execute the sentence, the law enforcement agencies must necessarily cooperate with the judiciary during all stages of the criminal proceedings and trial.

If, on the one hand, a particular authorising and "guiding" function of the G.I.P. (preliminary investigation judge) can be recognised, in the context of preliminary investigations, the judicial police, on the other hand, plays a fundamental role in the performance of such investigations, operating both on its own initiative and in execution of the directives of the Public Prosecutor, in order to identify all the elements useful for the continuation of the investigations.
This role is even more evident if we consider that the Public Prosecutor comes into contact with the subjects involved in various capacities in the offence perpetrated to the detriment of wildlife, even before the Public Prosecutor.

These remarks highlight how fundamental efficient communication and exchange of information between the police forces and the judiciary is in the investigation phase.On the other hand, with regard to hunting surveillance activities, Article 27 of Law 157/92 identifies three categories of subjects in charge of surveillance and control:

a. **Agents employees of local authorities** entrusted by the regions who are recognised as judicial police and public security agents. Said agents may carry hunting weapons as per Article 13 of Law 157/92, as well as weapons with narcotic bullets, while on duty and for official duties

b. **Voluntary guards** of the national hunting, agricultural and environmental protection associations present in the National Technical Committee for Wildlife and those of the environmental protection associations recognised by MITE, who are recognised as sworn guards within the meaning of TULPS (Consolidated Law on Public Security).

c. officers, non-commissioned officers and guards of the Carabineer **Forestry Corps** guards assigned to National and Regional **Parks**, officers and agents of the judicial police, municipal, forestry and field guards, private guards recognised under the TULPS; **ecological and zoological guards recognised by regional laws**.

<u>However, the regulation does not provide for a specific cooperation mechanism between these actors, nor are there any other provisions for cooperation between the various police forces that deal with WLC in various capacities.</u>

Nonetheless, and despite the fact that the number of agents, both volunteers and employees, assigned to surveillance is excessively small compared to that of hunters (according to MiPAAF - Ministry of Agricultural Policies - data, as shown in Fig. 12), effective collaboration between surveillance agents was found and confirmed by interviews with WWF Italy's volunteer guards.

In any case, it can be stated that, in general, especially in light of what emerged from the research activity and the interviews conducted for the realisation of this report, in relation to the fight against WLC, the cooperation between the various institutional (and non-institutional) actors involved in particular in the prevention, prosecution and repression of these crimes, appears to be poor, if not almost totally absent. In particular, as far as the judiciary is concerned, little interest in the subject and a consequently very low level of internal cooperation was detected. Specifically, the exchange of information and coordination e.g. between prosecution offices or within the courts is almost absent.

For this reason, and to fill the regulatory gap, the National Action Plan for Combating Offences Against Wild Birds (hereinafter PNAB) intervened, which under the 1st general objective, i.e. the strengthening of direct law enforcement, provided for specific objective 1.3, aimed at '**strengthening synergies between surveillance bodies**':

" *In order to optimise the available resources, it is necessary to foster the synergy between CUTFAAC (Carabineer Command of the Forestry, Environmental and Agri-Food Units), the regional forestry corps, the provincial environmental surveillance corps, voluntary guards and other police corps that in some situations may be involved in the fight against wildlife crime. In particular, it is necessary to promote, both at national, regional and local level, collaboration between the different actors, to encourage the sharing of information and to foster the exchange of professionalism. At the international level, a constant flow of information must be guaranteed with the coordination bodies for the fight against crime and the enforcement of environmental legislation (INTERPOL, Europol, IMPEL).*"

To this end, therefore, the PNAB has provided for two fundamental actions, namely:

- the creation of a **National Operational Coordination** (CONPA), i.e. a centralised structure aimed at linking up the various surveillance bodies, ensuring the exchange of information at national level between those active in the fight against wildlife offences, promoting forms of coordination in the performance of prevention and repression activities, and promoting the training of personnel.

- the creation of a **Local Operational Coordination in each black-spot (COLPA),** i.e. a coordination between the different surveillance bodies to ensure an optimal deployment of the available forces, at each black-spot, with the aim of fostering the exchange of information and optimising the personnel involved in the repression of wildlife offences.

Finally, the PNAB, in order to ensure the implementation of the actions envisaged in the plan, has considered necessary to set up, as its 5th general objective, a National Steering Committee, i.e. a coordination group composed of numerous institutional actors and NGOs, working in synergy and which " *can stimulate and harmonise the contributions of the various actors, ensuring the exchange of information and the necessary collaborations*".

Particularly, the following functions have been assigned to the control room:

a. liaison with international actors (Bern and Bonn Conventions, CITES, European Union, IMPEL, Europol, INTERPOL);

b. coordination of the institutional actors involved in the different aspects of repression and control (implemented, for instance, through the establishment of COLPAs);

c. formulating proposals to the adaptation of the regulatory and sanctioning framework;

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d. national coordination of supervisory and control activities;

e. supervision for the implementation and management of databases

f. promotion of information exchange and training of the different actors involved in law enforcement;

g. periodic verification and evaluation of the progress of the action plan;

h. periodic updating of the Anti-poaching Plan - PNAB

e) Gaps in the organising system

A **widespread lack of knowledge** emerged from the interviews and meetings held during the data collection phase about WLC, its adverse effects and the legislation regulating it. This knowledge and capacity gap over environmental issues can be attributed to a lack of **context-specific training**, particularly for the judicial sector.

The interviewed magistrates themselves and some representatives of the Scuola Superiore della Magistratura confirmed that the issue of wildlife protection is not discussed in the context of institutional training activities. Interviewees also pointed out that magistrates can freely participate in the various training courses based on personal interests and judgment.

We can then affirm that the c**apacity gap, lack of adequate legislative instruments to carry out investigations and the strong tendency of criminal proceedings to settle right away** lead to an underestimate of the issue's relevance. These elements, therefore, lead to a lack of interest in studying the topic deeper.

Some prosecutors' offices and courts have sections and/or specialised magistrates in environmental matters. However, these depend on the discretion and sensitivity of the prosecutors and magistrates in the office and the "criminal policy" chosen.

During the analysis, we observed a downward trend in the specific competencies of the police forces on the topic of WLC. The drastic reduction in local police personnel, especially the highly specialised ones, has led to fewer hunting surveillance operations. In addition, the absorption of the State Forestry Corps into the Carabinieri has led to a significant difference between the skills possessed by the old recruits and the new ones, whose training activities only provide a marginal in-depth study of WLC.

VI. Analysis of infringements related to wildlife conservation

VI.1. Statistical analysis

a) Types and importance of offences identified

The sources of information available in Italy and acquired throughout the project **do not offer a representative picture of the phenomenon.** The administrative and criminal trials data are geographically well distributed (fig. 16). However, the statistical analysis drawn from them, while revealing a series of trends and peculiarities, is biassed by the low volume of data (~200 entries) and spatial heterogeneity,

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The dynamics influencing the entity and the types of WLCs, while preserving numerous problematic features at a jurisprudential and supervisory level, remain in Italy extremely dependent on the local context.

Some conclusions can still be drawn. First of all the data on the nationality of the WLC crimes (tab. 3) shows that these are mostly committed within the borders of the country and do not concern international trafficking dynamics. As shown below, given the relevance, frequency and diffusion of illegal hunting activities, this skewness is not surprising.

Scope	NUmbers of infringements
National	202
Transnational	11

Tab. 3 - Number of crimes detected by nationality (SWiPE database)

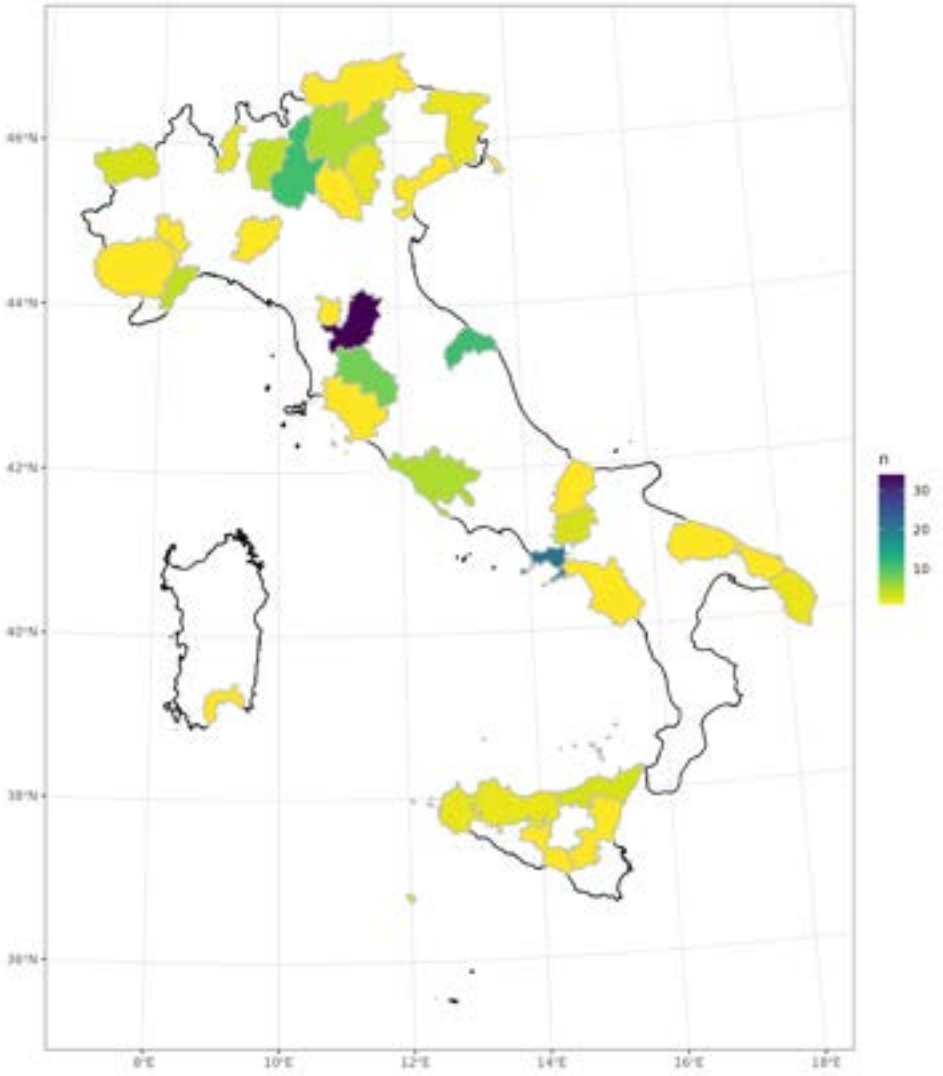

Fig. 16 - Location and number of offences detected according to SWiPE template data concerning provinces. The lack of homogeneity of the information emerges particularly when compared with the total number of violations detected by the NAPB [9], which are also lacking in terms of space and time (SWiPE data)

Gaps in the data stem from at least three factors:

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- Information on court proceedings is only available at an aggregate level
- The extreme difficulty in accessing criminals' files related to proceedings to which one is not a party
- The lack of judicial and administrative data transmission by many regional and peripheral offices

These gaps are partially filled by the available aggregated data on the number of criminal and administrative offences (periodically disclosed by the "Anti-poaching Plan" [9]) and the number of employed agents, volunteers and hunters on a regional basis (data made available by the MiPAAF - Ministry for Agricultural, Agrarian and Forestry Policies).

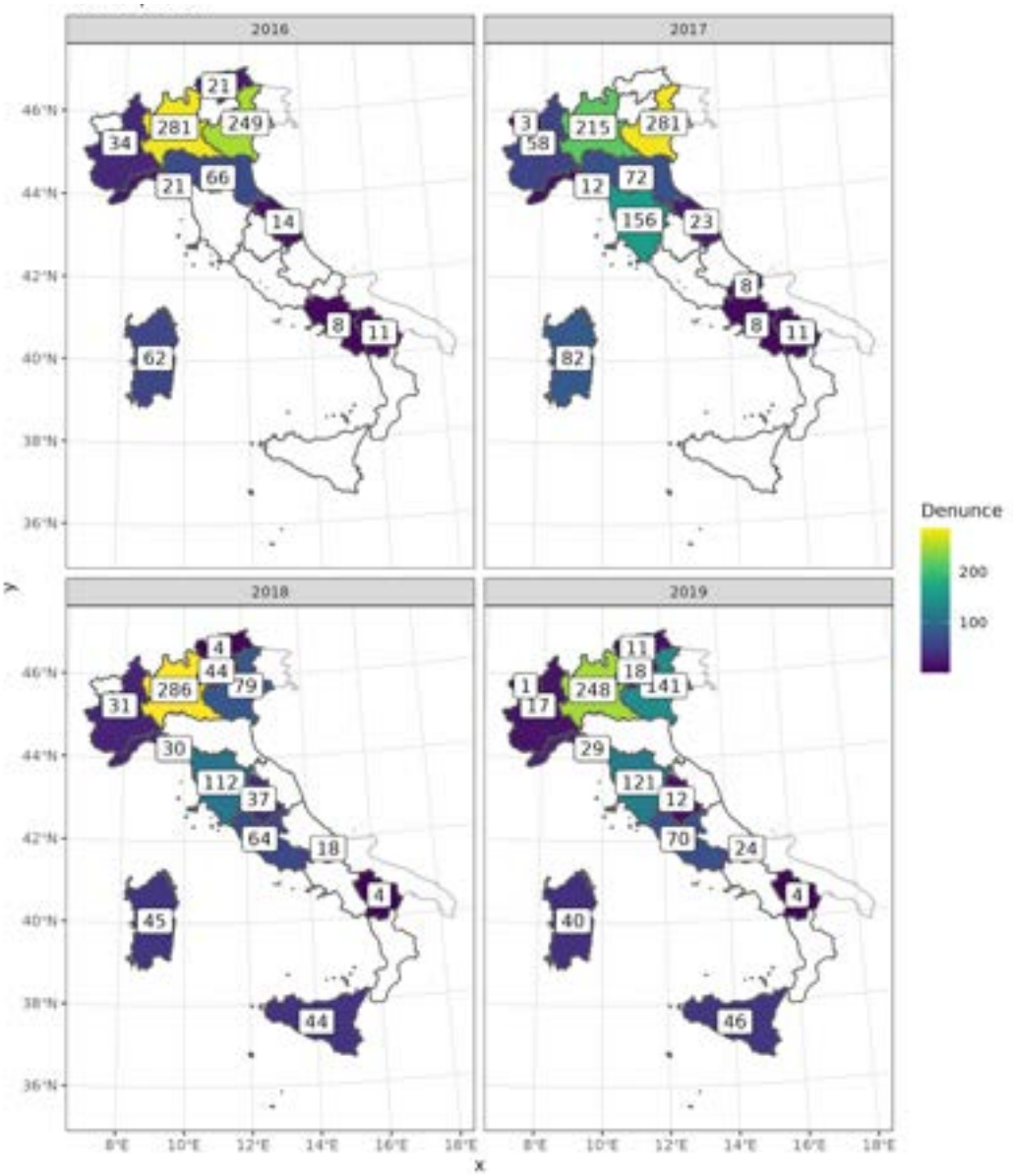

Fig- 17 - Regional localisation of criminal offences over the years according to the NAPB [9]: note in particular the gaps from one year to the next, due to a lack of data transmission by the individual Regions/Autonomous Provinces

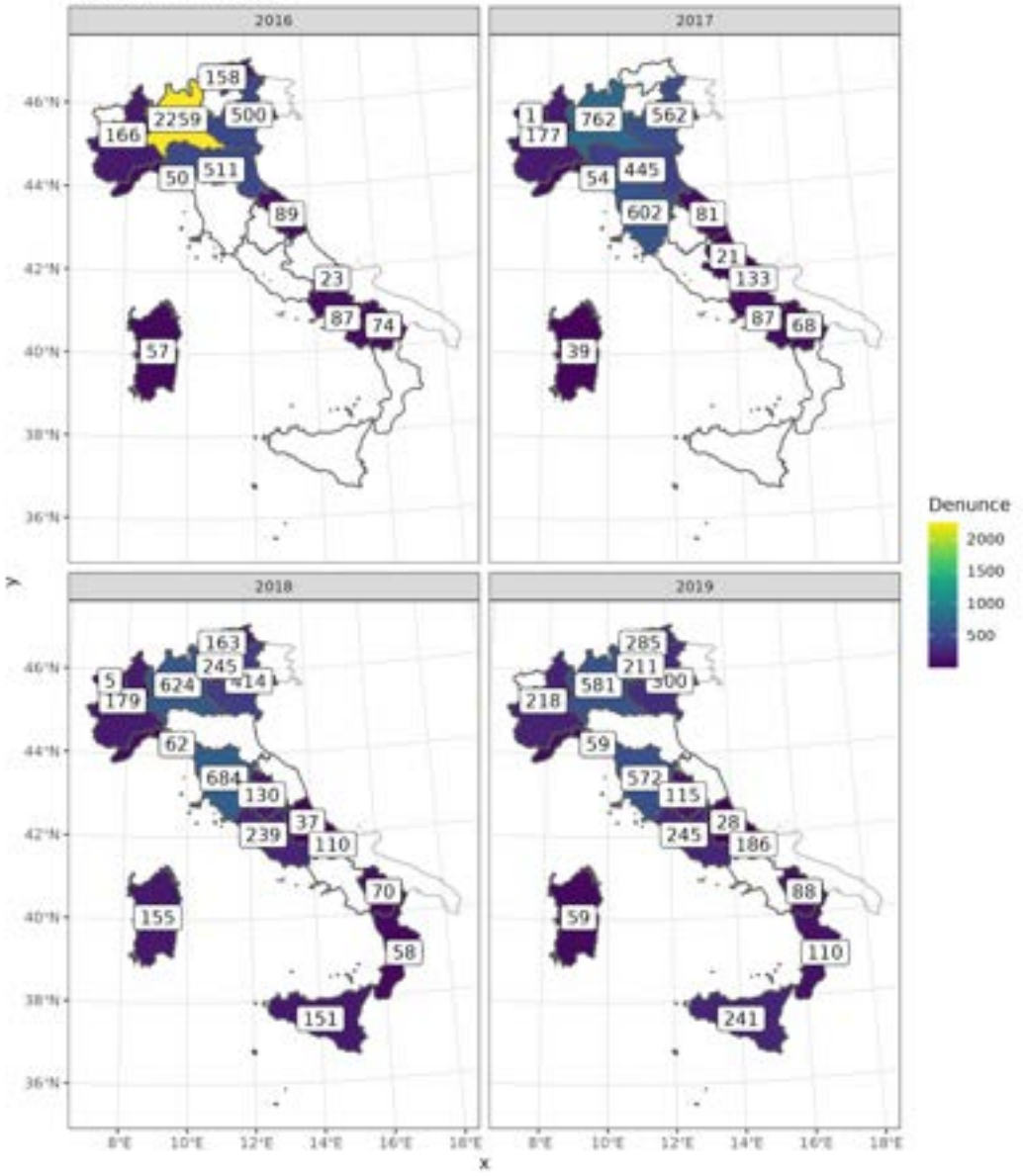

Fig- 18 - Regional localisation of administrative offences over the years according to the NAPB [9]: note in particular the gaps from one year to the next, due to a lack of data transmission by the individual Regions/Autonomous Provinces

Legislation	Infringements n.	Leg. type	Description
157/1992	167	Minor offence	Standards for the protection of homeothermic wild fauna and for hunting
Regio Decreto 1398/1939	30	Criminal Offence	Criminal Code
150/1992	15	Administrative offence	Discipline of offences relating to the application in Italy of the Convention on International Trade in Endangered Species of Wild

			Fauna and Flora, signed in Washington on 3 March 1973, referred to in Law no. 874 of 19 December 1975, and Regulation (EEC) no. 3626/82, and subsequent amendments, as well as rules for the marketing and possession of live specimens of mammals and reptiles that may constitute a danger to public health and safety.
110/1975	10	Administrative offence	Supplementary rules for the control of weapons, ammunition and explosives
394/1991	3	Minor offence	Framework law on protected areas
DM Ambiente 8/01/2002	1	Administrative offence	Ministry of the Environment and Territorial Protection Decree. Establishment of the register of animal and plant species possession
503/1981	1	Administrative offence	Ratification and implementation of the Convention on the Conservation of European Wildlife and Natural Habitats, with annexes, adopted in Bern on 19 September 1979

Tab. 4 - Number of violations detected according to the law in question (SWiPE data)

A different issue concerns the data on international trade: thanks to the data provided by the Raggruppamento Carabinieri CITES and extrapolated from the CITES Trade Database [14], several significant pieces of information have been acquired (fig. 19, 20, 21 tab. 5, 6, 7) and are summarised below.

First of all, it is important to note that Italy is an important destination and transit country for international trade in species, which, however, does not or very rarely concern species of local conservation interest (tables 5, 6). From the data it is certainly detectable that Italy plays an important role both as an importing country and as a country of transit of goods: an analysis of the data reveals that between 2017 and 2019, Italy imported 56 different Appendix I species from multiple countries on different continents for a total of 596 shipments, and (re)exported 61 Appendix I species for a total of 231 shipments. The most frequent country of export for Appendix I species was the United States.

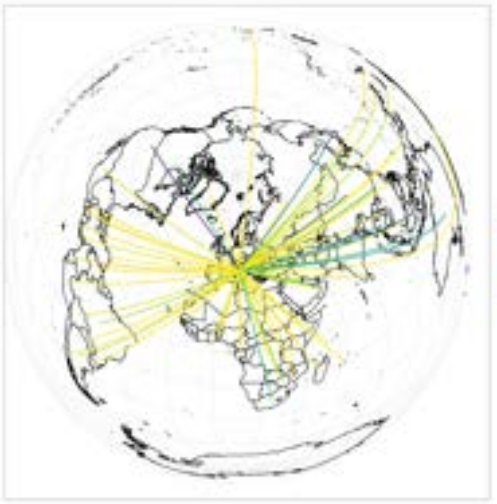

Fig. 19 - IMPORT Total foreign traffic routes in the period 2016-2019 TO Italy: darker connection lines indicate a higher frequency from a particular state (CITES database, 2021 [14])

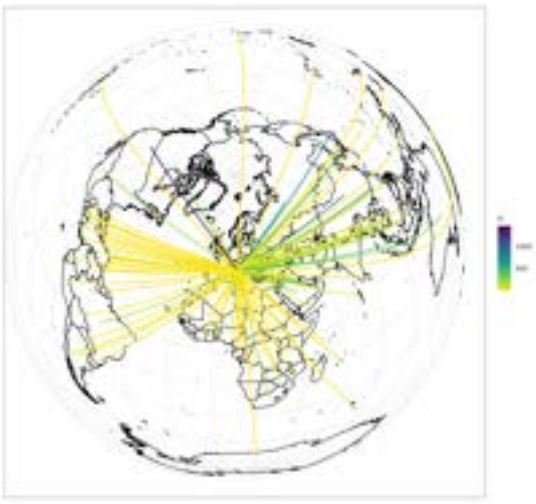

Fig. 20 - EXPORT Routes of total foreign traffic in the period 2016-2019 FROM Italy: darker connection lines indicate greater frequency to a particular state (CITES database, 2021 [14])

However, from the information that can be deduced from the CITES database [14] (tab. 5, 6) the real importance of illegal trafficking is not immediately apparent, which would instead need a more in-depth analysis of the relationship between the importing/exporting country and the species (particularly animal) trafficked: what can certainly be stated is the disproportion between the data evidently related to illegal import/export according to the CITES database [14] and the penalties imposed by the CITES Carabinieri Group (fig. 21).

Country of origin	N. of shipments
IMPORT	
United States	12
India	3
Cina	2
South Africa	2
Vietnam	2
Brazil	1
Switzerland	1
Japan	1
Tunisia	1
Seychelles	1
Uzbekistan	1
EXPORT	

Country of destination	N. of shipments
United States	159
Switzerland	6
China	6
UAE	2
Tunisia	2
Brazil	1
Canada	1
Serbia	1
Russia	1
Hong Kong	1
Lebanon	1
Mexico	1
Saudi Arabia	1

Tab. 5 - Numero di importazioni ed esportazioni illecite di specie in allegato I o II dall'estero all'Italia tra il 2017 e il 2019 (database CITES, 2021 [14])

IMPORT		
Taxon	**Family**	**N**
Alligator mississippiensis	Alligatoridae	3
Dalbergia latifolia	Leguminosae	3
Python spp.	Pythonidae	2
Scleractinia spp.		2
Caiman crocodilus fuscus	Alligatoridae	1
Crocodylia spp.		1
Crocodylidae spp.	Crocodylidae	1
Crocodylus niloticus	Crocodylidae	1
Strombus gigas	Strombidae	1
Testudo horsfieldii	Testudinidae	1
EXPORT		

Taxon	Family	N
Python reticulatus	Pythonidae	23
Crocodylus niloticus	Crocodylidae	14
Alligator mississippiensis	Alligatoridae	12
Crocodylus spp.	Crocodylidae	8
Python spp.	Pythonidae	8
Varanus salvator	Varanidae	7
Vicugna vicugna	Camelidae	6
Crocodylus porosus	Crocodylidae	5
Python bivittatus	Pythonidae	5
Caiman crocodilus crocodilus	Alligatoridae	3

*T*ab. 6 - Number of top ten illegally traded Appendix I or II species (CITES database, 2021 [14])

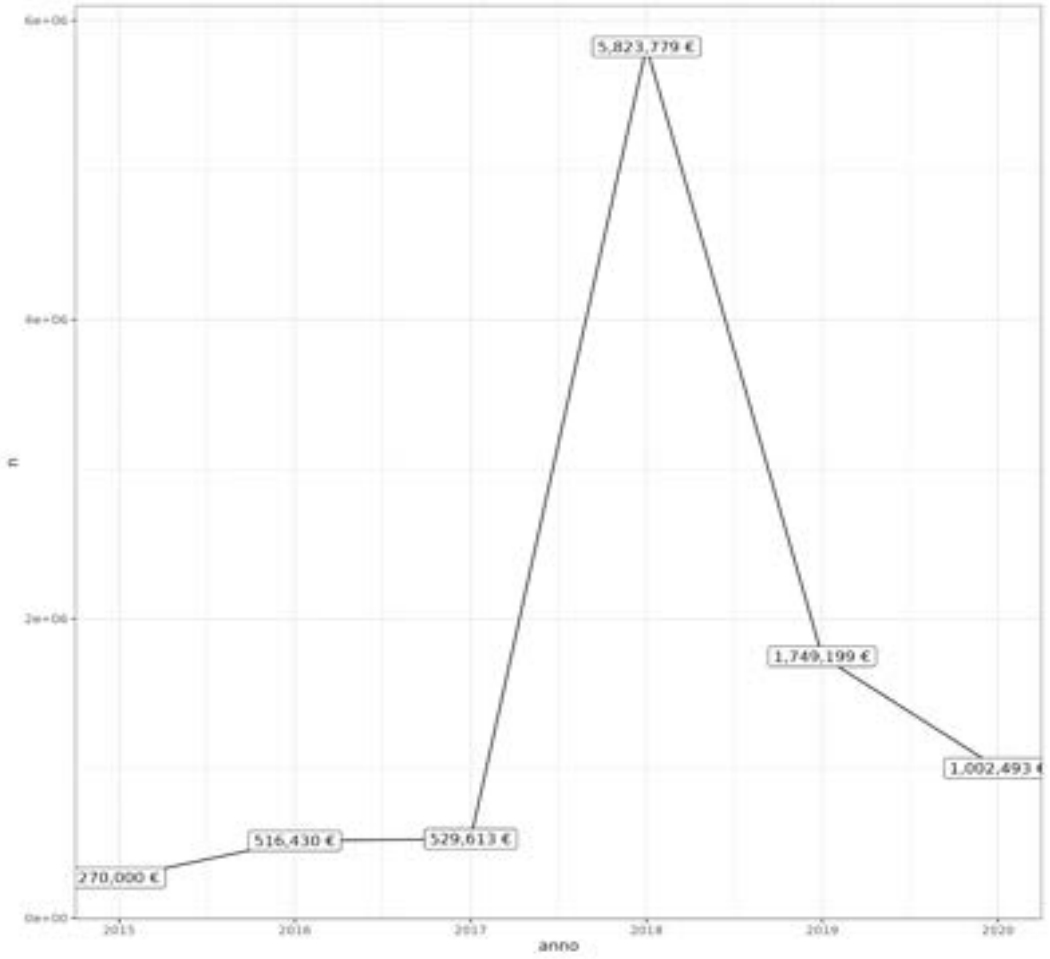

Fig. 21 - total fines imposed from 2015 to 2020 in Italy for violations of CITES regulations (Carabinieri CITES data [15])

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Returning to the local situation, it is evident that in most of the crimes analysed by the SWiPE project from the sentencing databases [18] bird species are affected (table 7).

Specie	Individuals	Class	Protection laws
Psittaciformes	141	Birdlife	CITES, app. I, II
Fringillidae	122	Birdlife	157/92
Carduelis carduelis	104	Birdlife	157/92
Elephantidae	99	Mammals	CITES, app. I, II
Turdidae	34	Birdlife	157/92
Sus scrofa	16	Mammals	157/92
Fringilla coelebs	10	Birdlife	157/92
Paridae Vigors	10	Birdlife	CITES, app. I, II
Serinus canaria	9	Birdlife	?
Sturnus vulgaris	9	Birdlife	157/92
Erithacus rubecula	8	Birdlife	157/92
Turdus philomelos	8	Birdlife	157/92
Macropodidae "Wallaby"	7	Mammals	CITES, app. I, II
Capreolus capreolus	5	Mammals	157/92
Coturnix coturnix	5	Birdlife	157/92

Tab. 7 - Number of **specimens** per species within administrative and criminal proceedings, for cases where the species and number are indicated (SWiPE data)

This strong disproportion is even more evident if we also consider the data from the Wildlife Rescue Centres, which represent a fundamental source of information that can make WLC prevention and repression activities more effective. In particular, in the present work the data acquired by the CRAS of Vanzago and Valpredina in Lombardy were processed.

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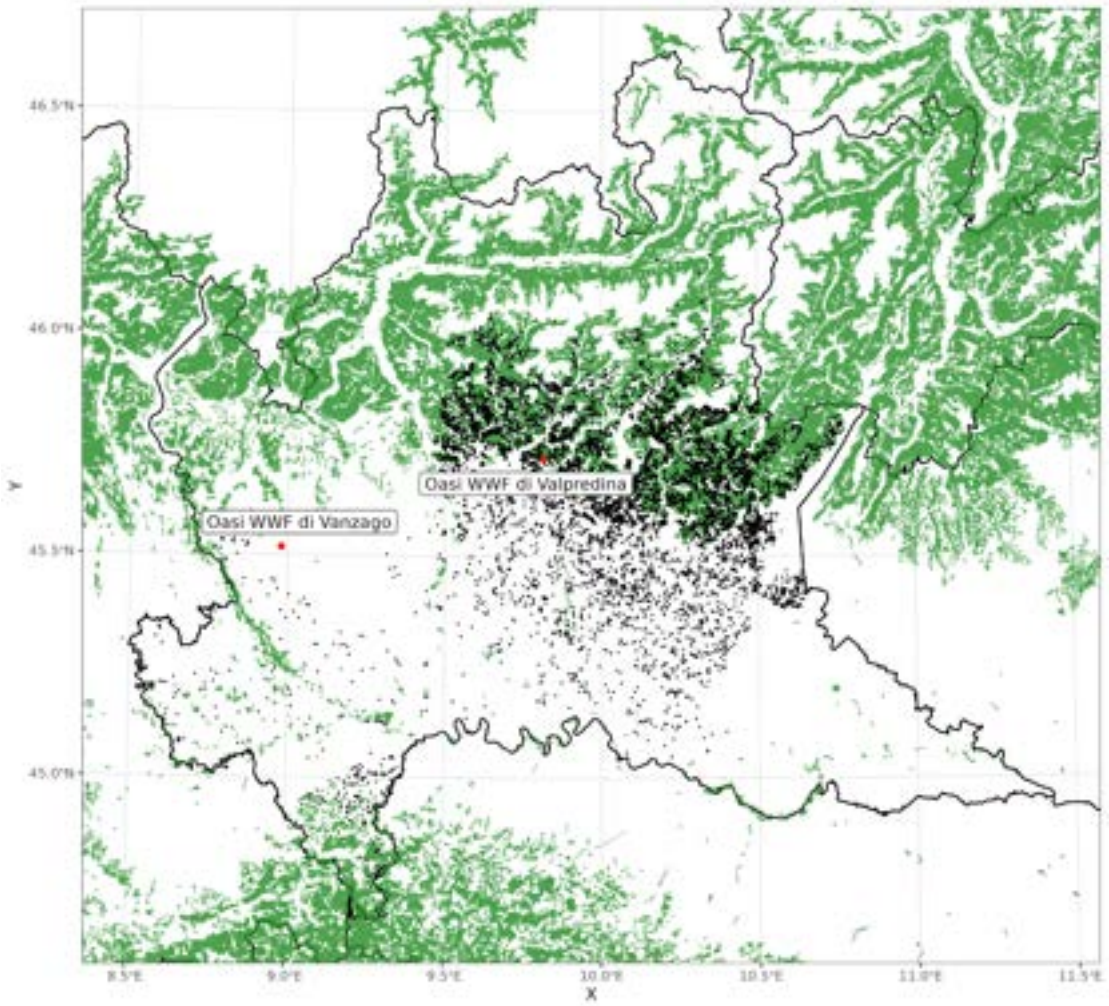

Fig. 22 - Location of WWF Oases and Recovery Centres that have provided data, superimposed on the location of fixed hunting posts (black dots - Lombardy Region data, 2016 - 2019 [17]). In green is highlighted the forest cover according to the CORINE Land Cover (EU Copernicus data., 2022 [16])

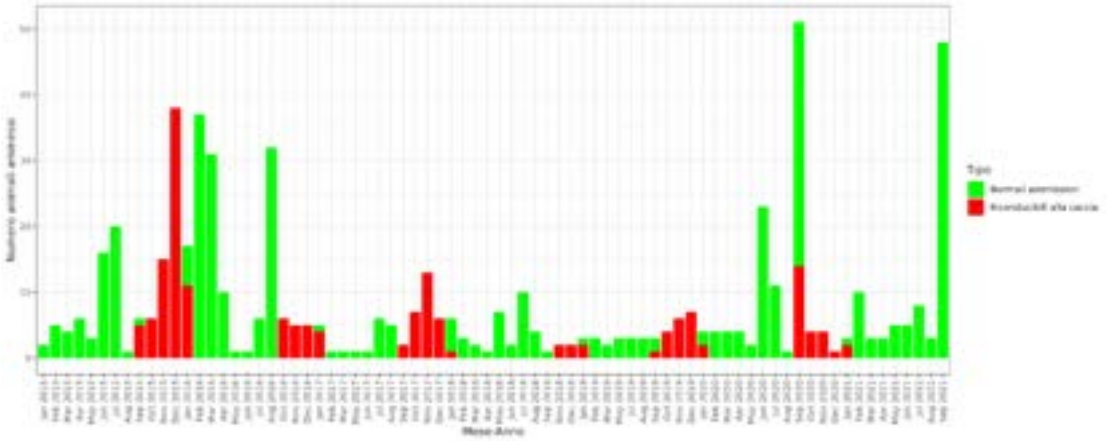

Fig. 23 - Trend in hospitalisations - mainly of birds - at the WWF Vanzago Recovery Centre: red highlights the hospitalisations attributable to poaching.

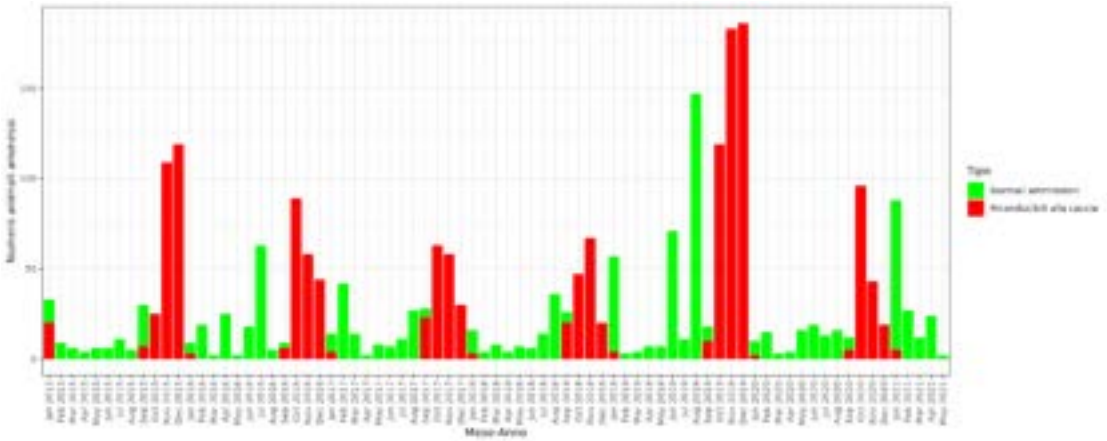

Fig. 24- Trend in the number of admissions - mainly of birds - to the WWF Valpredina Recovery Centre: the admissions attributable to poaching are highlighted in red.

The information on animal admissions was correlated with the spatial location of the CRAS. As can be clearly seen from the comparative analysis of graphs 23 and 24, the number of wildlife entrances with wounds attributable to hunting activity in periods when hunting is closed (before the third Sunday in September and after 31 January, unless there are regional derogations) or belonging to protected species is significantly higher at the CRAS of Valpredina. This centre is located in an area with a very high density of fixed installations (fig. 22). The increase in admissions coinciding with the opening of the hunting season (from the third Sunday of September to 31 January) and the disparity in numbers between the admissions of the two CRAS suggest a simple and intuitive explanation: **the correlation between wildlife offences and hunting activity is very strict**.

A large part of the hunting community maintains that wildlife crime is a matter of poaching and not hunting.

This kind of dereliction of responsibility is detrimental not only to those who aim to enforce the law through concrete actions, but also to those who wish to hunt within the limits of the rules.

If, in spite of the very high number of offences against wildlife committed in Italy, legislative measures aimed at increasing the penalties provided for by Law 157/1992 have not been adopted, it is precisely because of the opposition of a large part of the hunting world (and not of poachers) and of those who, in the parliamentary chambers, are the bearers of these demands.

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An analysis of the data from the police and gamekeepers disproves the assumption that 'hunting is different from wildlife crime'. In most cases, the perpetrators of these offences are licensed hunters.

These persons are therefore full-fledged hunters who carry out their activities beyond the limits and prescriptions of Law 157/1992 and can therefore be defined as 'poachers'.

An analysis of the data provided by the CRAS also makes it possible to assess the enormity of those offences that go unreported or are not prosecuted.

The total number of specimens that have been the subject of poaching offences according to the SWiPE survey is 410 passerines for the period 2016-2020 for the whole of Italy. **However, the number of passerines wounded by gunshots or seized and hospitalised at CRAS Valpredina alone in the period 2015-2020 is 1,183.**

It is clear that the number of poaching events has been underestimated, and that the seriousness of the phenomenon threatens to jeopardise the survival of entire populations, especially when associated with other factors threatening the species (e.g. invasion by alien species, climate change, deforestation).

Specie	N	Family	Huntable?	Protection laws
Song thrush	293	Passeriformes	Yes	Bird directive (II), Bern Conv. (III)
Fieldfare	186	Passeriformes	Yes	Bird directive (II), Bern Conv. (III)
Siskin	115	Passeriformes	By derogation	Bird directive (II), Bern Conv. (III)
Chaffinch	102	Passeriformes	By derogation	Bird directive (II), Bern Conv. (III)
Redwing	93	Passeriformes	Yes	Bird directive (II), Bern Conv. (III)
Blackbird	79	Passeriformes	Yes	Bird directive (II), Bern Conv. (III)
Buzzard	**73**	**Raptors (Accipitriforme)**	**No**	Bern conv. (III), Bonn conv. (II), MoU Raptors (I), CITES (II)
Kestrel	**70**	**Raptors (Accipitriforme)**	**No**	Berna conv. (III), Bonn conv. (II), MoU Raptors (I), CITES (II)
Sparrowhawk	**55**	**Raptors (Accipitriforme)**	**No**	Berna conv. (III), Bonn conv. (II), MoU Raptors (I), CITES (II)

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Brambling	52	Passeriformes	By derogation	Dir. Uccelli (II), Conv. Berna (III)
Hawfinch	40	Passeriformes	By derogation	Dir. Uccelli (II), Conv. Berna (III)
Skylark	31	Passeriformes	Yes	Dir. Uccelli (II), Conv. Berna (III)
Robin	26	Passeriformes	No	Dir. Uccelli (II), Conv. Berna (III)
Black tit	22	Passeriformes	No	Dir. Uccelli (II), Conv. Berna (III)
Total	**1487**			

Tab. 8 - Number of shelters at the WWF Valpredina Rescue Centre from 2015 to 2020 (WWF Italy data) . Protection rules are taken from the Directory of Italian Protected Fauna (MITE , 2013[18])

Specie	Diametri medi proiettili			N
	Proiettile 1	Proiettile 2	Proiettile 3	
Grey Heron	2.4	2.8	2.2	6
Tawny Owl	2.3	2.2	-	6
Goshawk	1.7	1.7	1.7	6
Royal Swan	3	2.8	3	3
Owl	1.9	1.8	1.8	17
Pilgrim Hawk	2.2	2.1	2.2	16
Kestrel	1.9	1.8	1.8	108
Common crane	3.2	3.1	2.8	1
Common Owl	1.9	1.9	2	24
Swamp Owl	1.9	1.5	1.7	2
Eagle Owl	2.5	2.6	2.3	11
Hermit Ibis	1.6	1.7	1.6	4
Eurasian hobby	2	2.3	1.9	17
Buzzard	2.1	2	2	98
Harris' Buzzard	1.9	1.8	2	1
Sparrowhawk	1.8	1.8	1.8	90

Tab. 9: example of the data that can be obtained from close monitoring of poaching. Average diameter of the bullets found in various bird specimens in the CRAS of Valpredina between 2015 and 2020. In bold the data of birds of prey: the presence of as many as four bulleted individuals of Hermit Ibis eremita is very relevant

Particularly noteworthy is the very high number of **birds of prey** hospitalised (379 in total) with gunshot wounds. This situation is not isolated to the Valpredina context alone, but also affects areas of migration concentration such as Aspromonte and the Strait of Messina, two of the seven black spots (fig. 26) identified by the National Anti-poaching Plan [9].

The location of most of the crimes together with their relation to hunting activities represents a further serious problem when considering the distribution of the number of protected species on Italian territory. A higher number of species (biodiversity) at regional level corresponds to a higher number of offences, and consequently a higher probability of disturbance in ecologically important areas. This disturbance certainly also affects species that are not strictly of hunting interest and that are particularly protected, as shown by the data of the WWF Rescue Centres.

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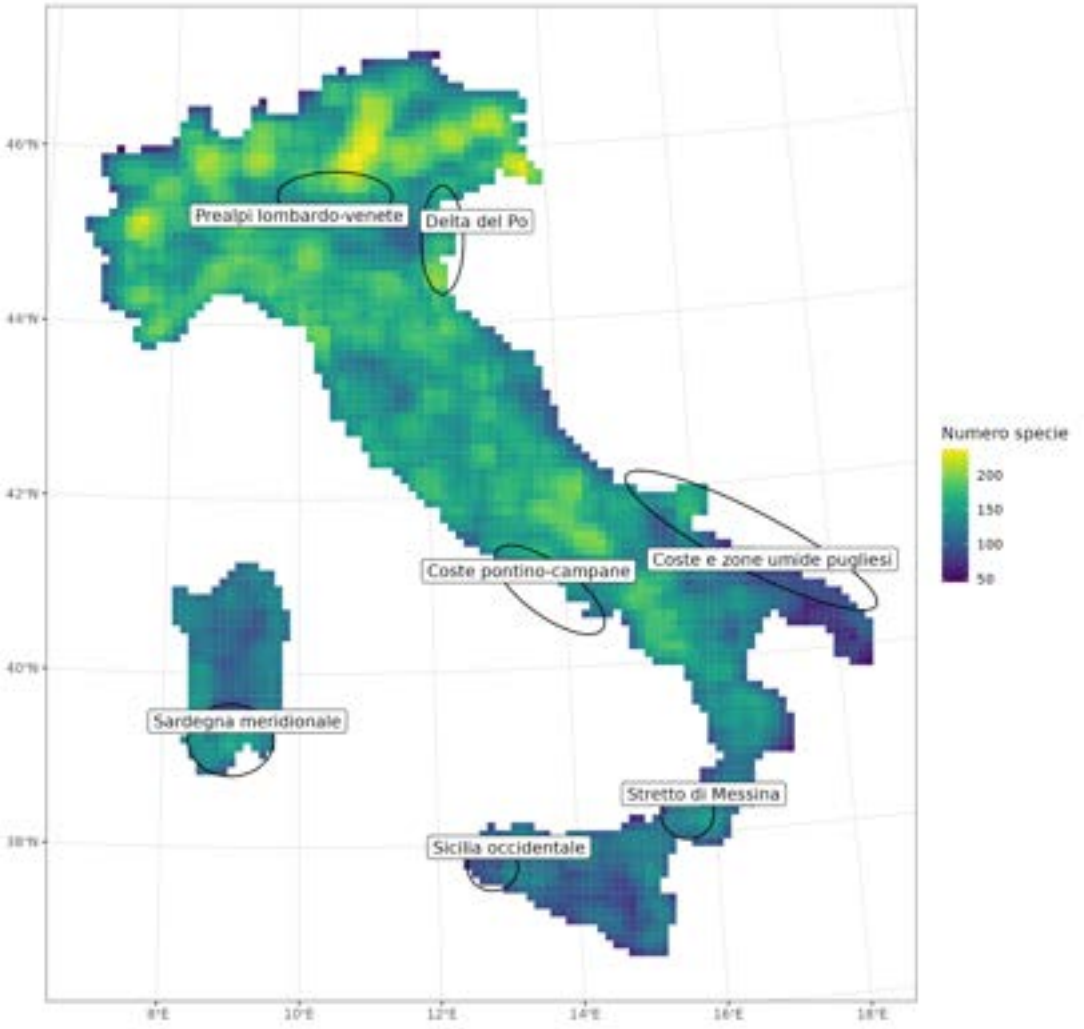

Fig. 26 - Number of species on 1x1km cells on the Italian territory (EU-EUNIS, 2022 [10]), with overlapping black spots according to PNAB [9] in the period 2016-2019

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b) Results of proceedings

Section	Year	Subscribed	Defined
Gip/Gup	2017	1,277	1,396
	2018	1,400	1,527
	2019 (a)	848	887
Debatement	2017	453	412
	2018	433	467
	2019 (a)	374	449

Tab. 10 - Proceedings registered and defined in the Italian Courts - Gip/Gup and debatement sections - containing offences committed in violation of the law for the protection of homeothermic wildlife and hunting (L. 152/1992). Years 2017-2019 (a), source Ministry of Justice - General Directorate of Statistics and Organisational Analysis [17] / (a) For 2019, the data refer only to the offices responding to the survey. The percentage of coverage is 86% of the proceedings handled for the Gip/Gup and 99% for the debatement

		Archived		Decree								
Section	**Year**	**Unnotewor thy**	**Other**	**Judgement**	**Criminal enforceme nt**	**Conviction**	**Bargaining**	**Absolution**	**Promiscuou s**	**Prescriptio n**	**Other**	**Total**
Gip/Gup	2017	4%	37%	15%	17%	0%	3%	0%	3%	16%	3%	**1,396**
	2018	4%	41%	14%	16%	1%	3%	0%	4%	15%	3%	**1,527**
	2019 (a)	6%	40%	11%	16%	1%	3%	0%	3%	17%	2%	**887**
Debatement	2017					21%	6%	17%	3%	50%	2%	**412**
	2018					22%	4%	25%	3%	41%	4%	**467**
	2019 (a)					27%	3%	20%	5%	38%	7%	**449**

Tab. 11 - Mode of definition in the Italian Courts - Gip/Gup and debatement sections - of proceedings containing offences committed in violation of the law for the protection of homeothermic wildlife and hunting (L. 152/1992). Years 2017-2019(a), source Ministry of Justice - Directorate General of Statistics and Organisational Analysis [17] / (a) For 2019, the data refer only to the offices responding to the survey. The percentage of coverage is 86% of the proceedings handled for the Gip/Gup and 99% for the debatement

Methods of definition Gip/Gup		2017	2018	2019 [(a)]
Archiving decrees		575	692	406
Of which:	Extinction by oblation	285	354	188
	Other (art. 411)	35	28	29
	Offenders unknown	2	2	1
	Fact not foreseen	4	5	3
	Unsubstantiated nature of the offence	69	91	50
	Missing conditions	51	74	49
	Particularly minor offence	52	60	53
	Prescription	77	78	33
Enforceable criminal convictions		244	238	139
Decrees ordering judgement		215	210	100
Conviction		4	12	10
Patents		40	41	29
Absolution		0	1	1
Promiscuous		48	54	30
Not to proceed		229	235	153
Of which:	other than prescription	188	221	143
	prescription	41	14	10
Defined in other ways		41	44	19

Tab. 12 - Detail of the manner of definition in the Gip/Gup sections of the Italian Courts of proceedings containing offences committed in violation of the law for the protection of homeothermic wildlife and hunting (L.152/1992). Years 2017-2019(a), source Ministry of Justice - Directorate General of Statistics and Organisational Analysis [17] / (a) For 2019, the data refer only to the offices responding to the survey. The percentage of coverage is 86% of the proceedings handled for the Gip/Gup and 99% for the debatement

In the light of what has emerged from the analysis carried out and confirmed by the annual reports presented in the framework of the "Anti-poaching" Plan, it emerges that it is particularly difficult to know the actual number of cases concluded without the commencement of criminal proceedings or ended without a judgement. The same data provided by the Ministry of Justice, referring only to proceedings initiated for violations of Law 157/1992 and limited "only to the offices responding to the survey" appear unsuitable to provide a clear representation of the phenomenon, its real scope and territorial spread. However, from the analysis of the above tables, interesting information emerges. In the first place, it can be seen that, in the pre-trial phase, between 41% and 46% of the cases are dismissed, while those which reach the trial stage are declared time-barred with percentages ranging between 38% and 50%. The remainder flows into convictions with a peak of 27% in 2019.

In cases where there is no sentence, the data collected confirm the frequent application of the **Oblation** that produces the extinction of the crime.

The use of the **Criminal Sentencing Decree** by the offender is also significant, offering the possibility of reducing the sentence by up to half compared to the minimum sentence, as well as obtaining a suspended sentence. It does not allow, inter alia, the application of accessory penalties, except for mandatory confiscation, nor does it provide for the need to pay court fees. In addition, if the defendant does not commit any offence within the next

two years (for contraventions) or five years (for crimes), the offence is extinguished. Finally, in the case of a criminal decree, the conviction is not entered in the criminal record requested by private individuals.

c) Sanctions

The meagreness of criminal sanctions for the protection of wildlife in Italy is a constant, especially with regard to illegal hunting.

Despite the explicit request made by the European Commission and the commitments formally undertaken by Italy with the approval of the 'Anti-poaching Plan', no legislative measures have so far been adopted to adapt the penalty system by increasing the penalties laid down in Law 157/1992.

For this reason, not only are the applied penalties largely insufficient to generate a **dissuasive and deterrent effect** and thus to determine a significant decrease in crimes which, on the contrary, as confirmed by the trends emerging in the light of the available data, have been increasing in recent years (fig. 27)

Letter	n	Description	Sanction - min	Sanction - max	Detention ?
h	96	Killing, catching or keeping mammals or birds which are not allowed to be hunted or finches in numbers exceeding 5 or hunting by prohibited means	0	1549	SÌ
e	40	Illegal birding	774	2065	SÌ
b	33	Killing, capturing or keeping mammals or birds included in the list referred to in Article 2	774	2065	NO
a	11	Hunting during a general ban	929	2582	SÌ
d	3	Hunting in banned areas	464	1549	SÌ
l	3	Trade or possession with the aim of trade of wild fauna	516	2065	SÌ
i	1	Hunting by shooting from a motor vehicle, boat or aircraft	0	2065	SÌ

Tab. 13 - Number of violations attributable to 157/92 and respective letters (SWiPE data)

Against the above table, it should be noted that for 2020 alone, the "Anti-poaching Plan" [9] shows a total of fines related to administrative offences of 366,422€: a number which, compared with the data available to this report, appears particularly low.

d) *Accessibility and completeness of informations*

Despite the launch of a specific EU Pilot, Italy is far from having fulfilled its commitments to monitor the phenomenon.

First of all, **there is no national monitoring system**, as highlighted by the "Anti-poaching Plan" [9]. Consequently, the operation of a central coordination is delegated to institutions on a local basis, without adequate sharing of archives and information.

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Region / Autonomous province	Total number of reported crimes
Lombardy	5256
Veneto	2526
Tuscany	2247
Emilia-Romagna	1094
Piemonte	880
Bolzano	642
Lazio	618
Sardegna	539
Trento	518
Molise	502
Sicily	482
Basilicata	330
Liguria	317
Umbria	294
Marche	207
Campania	190
Calabria	168
Abruzzo	86
Valle d'Aosta	10

Tab. 14 - Number of reported crimes per region or autonomous province in the period 2016-2019 according to NAPB [9]: note the complete absence of data for Puglia and Friuli-Venezia Giulia

The inaccessibility of information also manifests itself in the lack of reliable data, which is probably due to a lack of expertise on the part of some institutions, as well as to the objective difficulty of setting up an efficient data collection system within the regions: this difficulty cannot, however, be an excuse for preventing the production of reliable indicators.

The table (tab. 14) above shows the number of hunters per region over the years. The lack of data in one case and the presence of clearly erroneous information does not allow drawing definitive conclusions on general trends, or identifying correlations with the activity of possible black spots. Closing this information gap is crucial for proper data analysis and subsequent strategic action planning.

Region	2016	2017	2018	2019
Valle d'Aosta	1,433	1,392	1,402	1,411
Liguria	15,706	15,161	14,947	14,349

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Piedmont	21,152	20,471	21,152	19,132
Lombardy	61,861	62,130	59,222	57,977
Veneto	42,583	41,888	41,406	40,281
Trento	No data	No data	6,205	6,159
Bolzano	No data	34,790	5,944	5,954
Emilia Romagna	36,178	73,978	No data	No data
Tuscany	61,488	20,981	71,975	71,895
Lazio	No data	No data	47,076	45,868
Umbria	No data	No data	24,000	23,400
Marche	21,688	10,322	No data	No data
Abruzzo	No data	No data	5,019	4,902
Molise	No data	38,896	No data	No data
Campania	38,896	6,373	No data	No data
Basilicata	6,880	35,987	5,255	5,254
Sardinia	35,987	No data	35,987	35,987
Calabria	No data	No data	25,527	25,308
Sicily	No data	No data	24,349	25,440
Friuli	No data	No data	No data	No data
Apulia	No data	No data	No data	No data

Tab. 15 - Number of hunters for the different regions in the years. In red the missing data, in orange those that appear out of the average trend of the available historical series (therefore probably wrong), in green those that represent a decrease, in yellow those that represent an increase, in white those that are essentially stable (MiPAAF data)

e) *General trends*

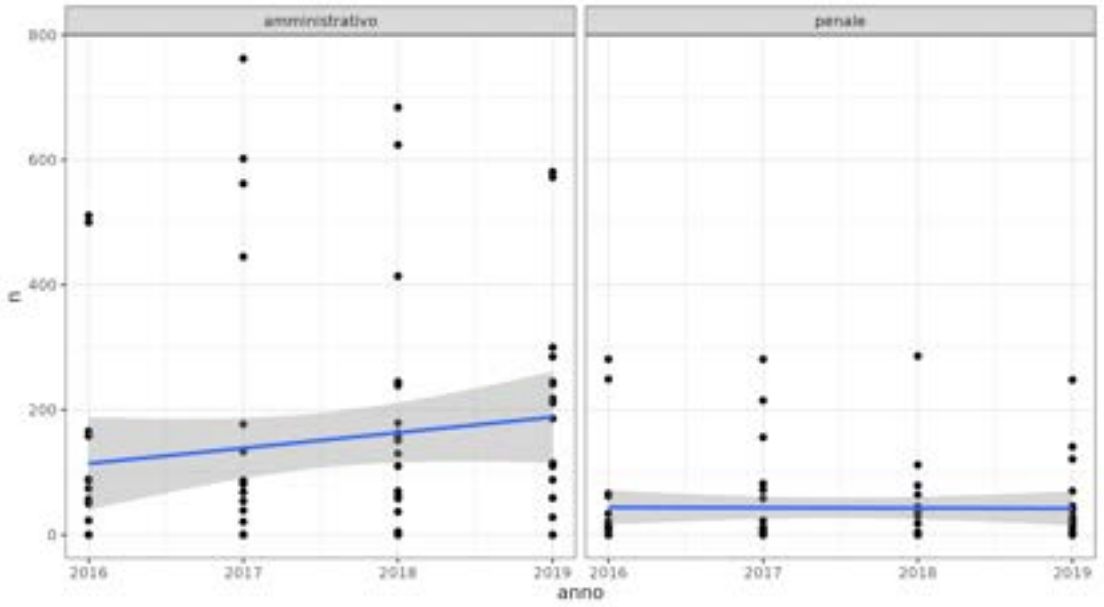

Fig. 27 - Administrative and criminal offences over time as detected by NAPB / NOTE: removed an outlier from the distribution that included more than 2000 cases in Lombardy at the beginning of 2016, likely aggregation of several years

In spite of the limited data available, it is interesting to examine the data regarding the time trend in the number of offences detected (Fig. 27), which shows that there is a slight increase in the number of administrative offences prosecuted. In contrast, the number of criminal offences seems to have remained stable over time. These two figures, combined with the sharp decrease in the number of regularly employed supervisory staff in recent years, present three scenarios:

- there are statistically compensatory dynamics in place with respect to total surveillance personnel, such as a progressive concentration of arrests in areas that are 'efficient' in intercepting crimes and processing cases (unlikely - requires very fine 'a posteriori' calibration)
- the data is so incomplete that it cannot capture a robust time trend (possible)
- the number of offences prosecuted is so low compared to the number of offences actually committed that dedicated staff are not substantially affected (likely)

It should also be noted that the data available in the report focus on offences that have reached a final sentence.

f) Results of the national data collection in addition to the general methodology

As reported in the report of the General Command of the Corps of Harbour Offices [11], the Corps, through the National Fisheries Control Centre (CCNP), carries out control and surveillance activities on the fishing chain through the 15 Fisheries Area Control Centres (FMC) located in each of the 15 maritime directorates, implementing the checks provided for by national and EU regulations.

The CCAPs, which extend their jurisdiction not only along the entire national coastline but also inland, systematically carry out control operations that affect the entire fish-food chain from the open sea to the final consumer: in recent years (2015-2020), between 110 and 140 thousand inspections have been carried out, with sanctions ranging from 7 to over 12 million euro and a "peak" of over 760 tonnes of fish product seized in 2016. Particularly offending species include eel, holothurians, dates and some shark species (fig. 28, 29, 30).

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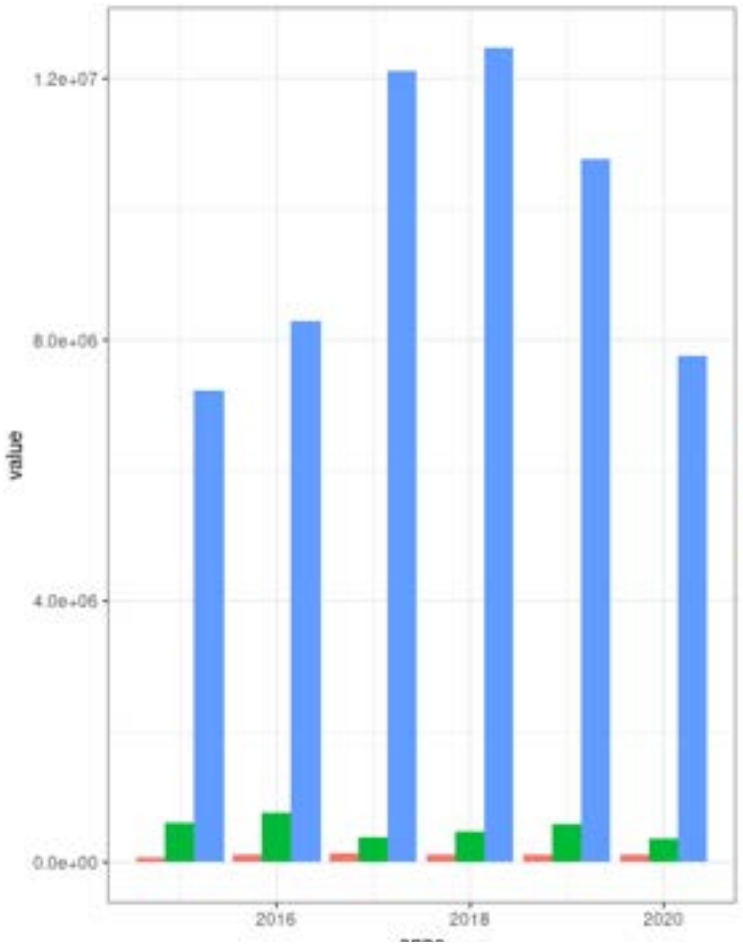

Fig. 28: number of inspections (red), kilos of product seized (green) and penalties imposed in euros (blue) over the years by the CCAPs (CCNP data, 2021 [11])

Fig. 29: penalties imposed in euros over the years by the CCAPs for three particularly sensitive species of damage. Data concerning the date mussel (Lithopaga lithopaga) are not available (CCNP data, 2021 [11]).

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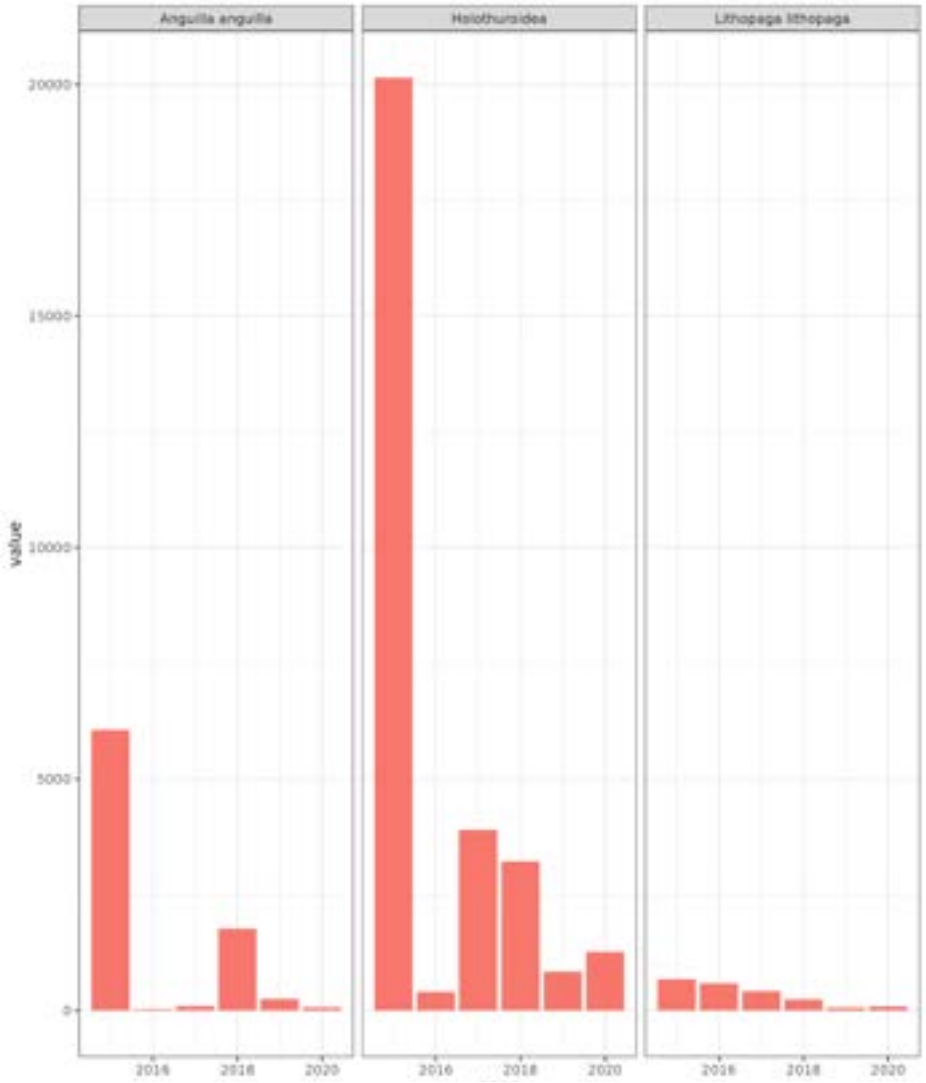

Fig. 30: kilos of product seized over the years by the CCAPs for three species particularly sensitive to damage (CCNP data, 2021 [11])

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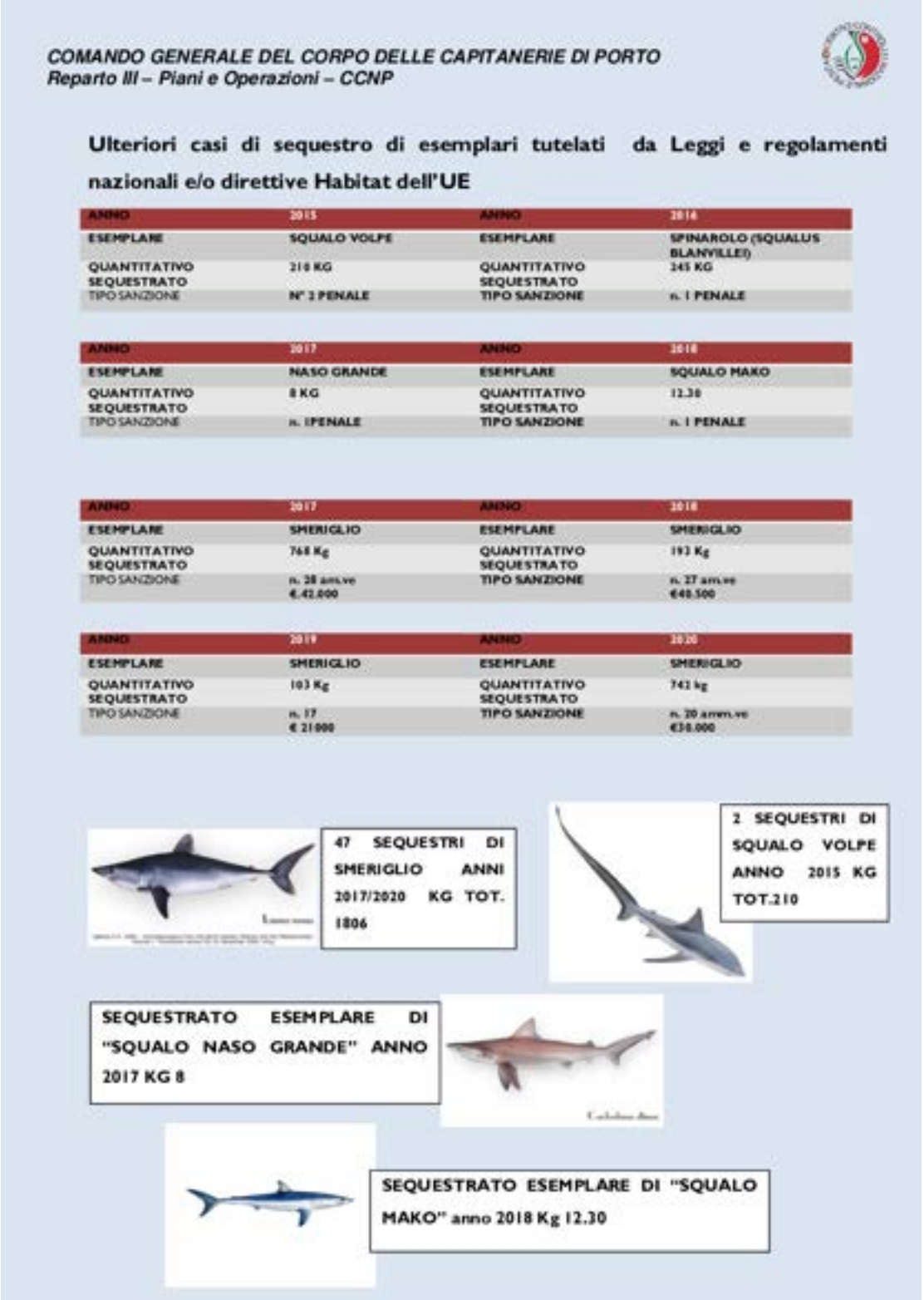

Fig. 31 - cases of major seizures by the General Command of Harbour Offices (CCNP data, 2021 [11])

Illegal trafficking in fish species becomes even more significant if we consider the sensitivity of Italian seas to fishing, where 'sensitivity' roughly means the number of species that have their habitat there (fig. 32).

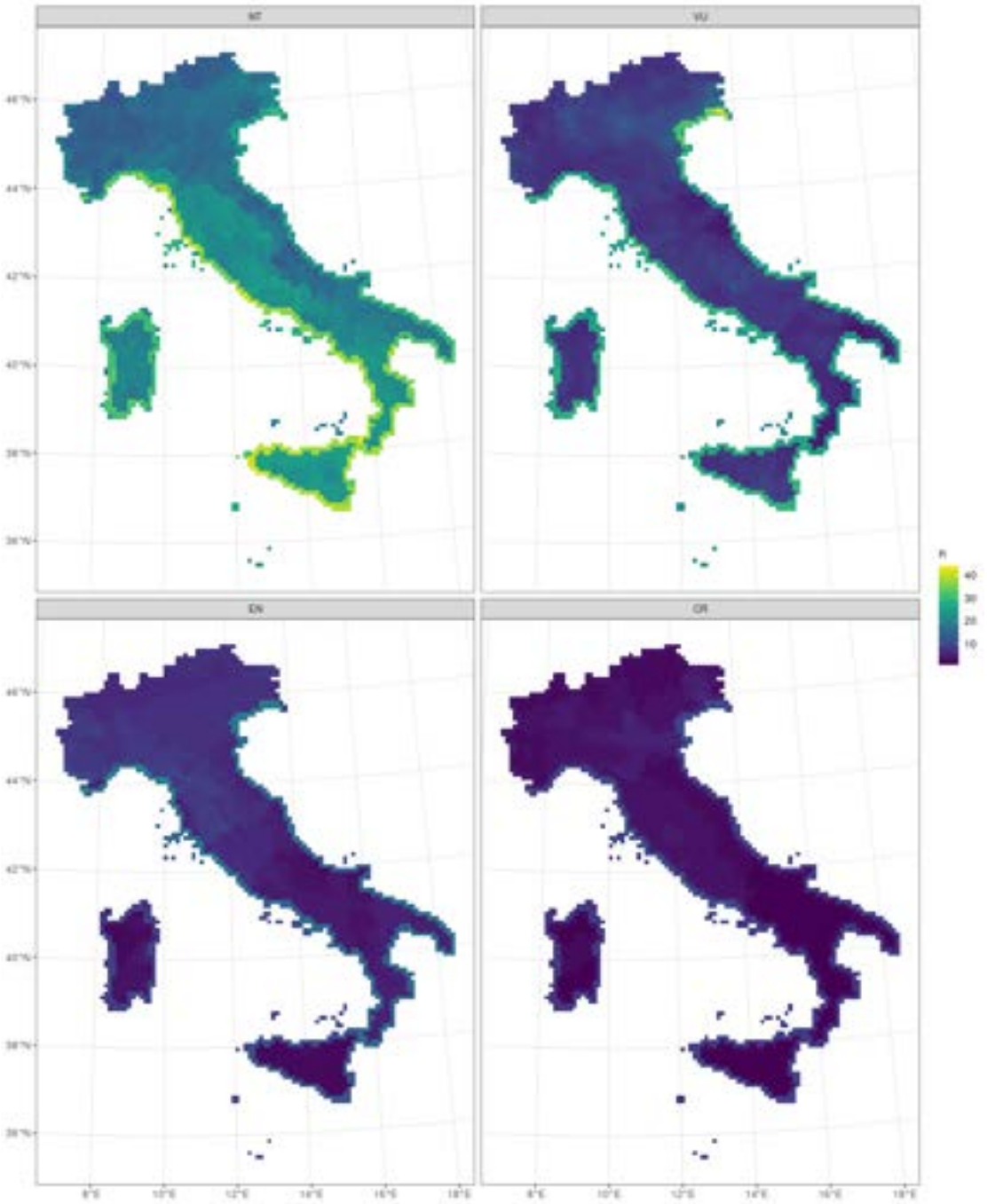

Fig. 32 - number of species in the categories 'near threatened' (NT), 'threatened' (VU), 'endangered' (EN), 'critically endangered' (CR): note the high number of species in one of these categories particularly along the coast (IUCN, 2021 [13])

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VI.2. Analysis of exemplary cases

Pullus freedom - live decoys

When hunting migratory birds, hunters use live decoys: birds kept in cages which, with their songs, attract conspecifics to the hunting sheds within shooting distance. According to Italian law, these birds can only come from farms and cannot be taken from the wild. However, regular breeding farms cannot meet the demand for live decoys from the many Italian hunters. This is why the animals, mainly thrushes, are caught illegally, either as adults or more often as nestlings. Young turdidae stolen for sale as decoys for hunting in hunting lodges are subject to high mortality rates and, in addition to being traumatically removed from their parents and subjected to various other forms of cruelty when young, are destined for a poor life as adults.

As soon as they are caught, in order to distinguish males from females, the young are subjected to the cruel practice of sexing, i.e. a cut is made in their abdomen in order to inspect their innards and discover their sex by analysing their gonads. Since only the males, the ones who sing, are interested, the females are directly killed or left to die of hardship. The "luckiest", the males, are stitched up, often with a bit of glue, given an irremovable ring to pretend they come from a farm and raised on a stick. Those that make it through these delicate stages are sold to hunters and destined for a miserable life in a cage, without even enough room to spread their wings. Not only that, but in order to get them to sing in the autumn (when of course they would sing at breeding time, in the spring, to attract females), the birds are kept in the dark during the summer, to alter their biological cycle and make them think it is winter.

In order to combat this brutal traffic, in 2019 Operation Pullus Freedom was activated, a wide-ranging action coordinated by the Trentino Forestry Corps, which led to 18 arrests, with over 50 people under investigation and 46 searches in Trentino, Lombardy, Veneto, Friuli Venezia Giulia, Marche, Campania and Tuscany. The operation uncovered a huge illegal trade in nestlings: a business involving over 20,000 birds, with illegal profits in the hundreds of thousands of euros. The illegal associations collected and sorted about 1,000 nestlings per week.

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Toscana, Marche, Romagna: il triangolo della morte per il lupo

A symbol of unspoilt nature, the wolf (Canis lupus) in Italy is fortunately moving away from the brink of extinction.

the abyss of extinction, which came close at the turn of the 1970s, recovering

kilometre after kilometre, recovering a large part of its original range thanks to the greater availability

thanks to the greater availability of forests, natural prey and legal protection, and

and now numbers more than 2,000 individuals.

The return of the wolf is of fundamental importance for maintaining the balance of terrestrial ecosystems, as attested by several studies [21] [22]. However, cultural biases reinforce the negative perception of the wolf as a 'harmful animal', especially in some rural contexts where the return of the carnivore occurs after decades of absence in areas where good practices traditionally used to limit damage to livestock have been lost. Despite the fact that domestic prey is now only a small part of the wolf's diet, and even less so in our contexts, the wolf is not a real danger to man, at least 300 wolves are killed every year for anthropogenic reasons, a significant proportion of which by poachers. Poaching against the wolf, when perpetrated through the use of poisoned baits, not only has significant consequences on the population but also on dozens of other species that can fall victim to the poisons (including even rarer species such as bears and birds of prey). Indiscriminate killing of wolves can also lead to the break-up of wolf packs, and thus to increased predation on livestock.

In particular, in recent years, dozens of episodes have been concentrated between Tuscany, Marche and Romagna: a triangle of death in which the victims, in addition to being poisoned or trapped and killed in a heinous manner, have often been exposed publicly, in a provocative manner, in order to make such actions even more obvious.

In 2017 alone, the following striking cases were recorded in these areas, a symptom of a conflict between man and wolf that is still heated and of widespread illegality, also favoured by the fact that in over 40 years of legal protection of the species in our country only two poachers have been prosecuted.

2017 - the calendar of killed wolves

- 26 January - Pitigliano, Grosseto Province: a decapitated wolf was exhibited at the entrance to the village
- 8 February - Borgo Pace, Province of Pesaro-Urbino: a wolf found dead from poisoned bait
- 9 February - Cessapalombo, province of Macerata: Claudio the wolf, already rehabilitated after a road accident and radio-collared by LIFE-MIRCO project scientists, is shot dead
- 4 March - Gagliole, province of Macerata: a female wolf is killed by a snare
- 6 April - Florence province: an adult female wolf, apparently killed by a collision with a vehicle, had in fact ingested bait containing large quantities of a powerful rodenticide
- 28 April - Suvereto, province of Livorno: a wolf was killed, skinned and hung from a road sign
- October 13 - Radicofani, province of Siena: two wolves are killed and then hanged
- October 14 - Pergola, province of Pesaro and Urbino: decapitated wolf discovered in a roadside flower bed
- November 5 - Rimini: wolf killed and then hanged at a bus stop

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The case of a rare Hermit Ibis

The hermit ibis (Geronticus eremita) is a migratory bird that was once widespread in central and southern Europe, and was native to Central Europe until the 22nd century when it became extinct due to excessive hunting pressure. Today, the hermit ibis is one of the most globally endangered bird species. Italy is involved in a reintroduction

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Ibis eremita ucciso La vicenda approda in Parlamento

Cronaca Presentata un'interrogazione sul bracconaggio indirizzata al ministro della Transizione Ecologica

project called "**Waldrappteam**", funded by the EU LIFE programme [23]. Ibis eremita born in Austria and migrating southwards winter in the WWF Oasis of Orbetello. Although the number of deaths caused by illegal culling has decreased in the years since the LIFE project began, these animals are still a frequent target of poachers.

The carcass of a hermit ibis was found near the Litorale Romano State Nature Reserve and the LIPU Oasis of Castel di Guido in February 2022. Subsequent analysis confirmed that the animal had died as a result of numerous pellets fired at close range from a hunting rifle. In November 2021, another specimen was shot near Sabaudia (Circeo National Park) and previously several carcasses of specimens hit by shot were found, mainly in Tuscany.

It should be noted that this species was one of the first to benefit from a protective law, introduced in Austria in 1504, which stipulated a total ban on hunting except for the nobility.

This species is of vital importance not only for the ecosystem in which it lives, but also brings substantial benefits to the nature-based tourism industry, as demonstrated in a town in Bavaria, Germany[24].

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Pesca illegale - datteri di mare

The trial, currently pending at the Ordinary Court of Naples, involves several defendants - with different roles and positions - in the chain of illegal fishing and subsequent trade of the so-called "date of the sea" (Lithophaga lithophaga).

This is a particular species of bivalve mollusc whose characteristic is to live not on, but inside the rocks (in particular, in those of a calcareous nature), which it is able to perforate thanks to the secretion of an acid capable of dissolving them, creating burrows in which to settle.

The harvesting, transport and marketing of dates is prohibited.

The reason for this is that it is an 'umbrella species', i.e. a species whose protection makes it possible to preserve hundreds of other species whose ideal habitat is precisely the rocks on which date populations settle and the tunnels they create.

Rocky substrata of this type mainly characterise the coasts of the south-eastern area of the Gulf of Naples; however, the rocks used to form breakwaters to protect urban centres, being calcareous, also allow populations of date mussel to develop, and this has happened in the area facing the city of Naples and its port, where the mussel has been able to proliferate, giving rise to colonies of considerable size and density.

The shellfish is highly appreciated in the culinary sector, which makes it attractive to those engaged in its illegal harvesting, who know that they can count on a flourishing clandestine market from which they can earn huge profits.

The investigations, which lasted about three years, brought to light the existence of two criminal syndicates - one active in the Naples area and the other in the Sorrento peninsula (particularly in the area of the island of Capri and its famous Faraglioni rocks) - which for about twenty years, also working in close synergy with each other, carried out a constant and surgical activity of unauthorised extraction of dates, causing exceptionally significant and, in some respects, irreparable damage.

Since the characteristic of the shellfish is to live inside the tunnels dug in the rocks, its extraction inevitably leads to the destruction of the latter, which in turn leads to the total devastation of the biological communities that inhabit them and, more generally, of the ecosystem in which they are inserted.

Within the chain, it turned out to be fundamental the contribution of the subjects who played the role of receivers of the shellfish who, acting as intermediaries in the illegal market, represented the link between the 'illegal fishermen' and the final consumers, ensuring the former the achievement of huge gains without which the illegal extraction activity would have no reason to exist.

The investigations were carried out mainly through the use of interceptions of communications between the suspects. In addition, thanks to specific and targeted judicial police operations (stakeouts, inspections, searches, scuba diving), it was possible to document and finally put an end to the illegal conduct ascertained from time to time; the technical consultants of the Public Prosecutor's Office, then, also through further on-site investigations, ascertained and quantified the damage caused to the various environmental components, both with reference to living organisms and to the natural formations that housed them.

Therefore, the defendants are charged, in various capacities and with different degrees of participation:

- environmental pollution (Article 452-bis of the Italian Criminal Code), in relation to the damage caused to the Lithophaga lithophaga populations (considered by the Public Prosecutor to be significant but not irreversible due to their strong regenerative capacity), aggravated by having as its object a protected species and - as regards the charges relating to the offences committed in the area of

the Sorrento peninsula and the island of Capri - by having been committed in a protected area

- environmental disaster (Article 452-quater of the Criminal Code), in relation to the damage caused to the species preserved by the umbrella offered by the shellfish (the devastation of which would instead have assumed the characteristics of irreversibility, or rather reversibility achievable only through exceptional measures), aggravated for the same reasons as in the previous point
- damage (Article 635 of the Italian Criminal Code), in relation to the damage caused to the rock formations that housed the populations of molluscs, aggravated in that it was committed on public property intended for public use and exposed by necessity or by destination to public faith (reefs in front of the city of Naples; natural submerged reefs of the island of Capri)
- receiving stolen goods (Article 648 of the Italian Criminal Code), in relation to the illegal marketing of the illegally extracted shellfish described above.

In view of the substantial evidence and the other legal requirements, the Public Prosecutor's Office requested and obtained an immediate trial. Faced with this eventuality, some defendants asked to be judged by the abbreviated procedure, obtaining admission to the preliminary hearing; others made the same request, making it subject, however, to the performance of an expert's report aimed at identifying and quantifying precisely the damage caused by the contested unlawful conduct (evidently contesting the conclusions reached by the Public Prosecutor's consultants); finally, others (in particular, it is a question of defendants charged only with receiving stolen goods) did not oppose the direct celebration of the trial.

The requests of the defendants, however, have caused a proliferation of proceedings which has, in turn, led to procedural "inconveniences" of the first order.

While, in fact, the proceedings against the defendants who have accepted the immediate procedure and those who had asked to be admitted to the so-called simple abbreviated procedure are, today, in progress (as soon as the trial is opened, in the first case; close to the pronouncement of sentence, in the second), the defendants who had made the request for the conditional abbreviated procedure and, together with them, all the parties involved, are living a singular experience, since it has not yet been possible to identify the judge (rectius the panel) who must judge them.

Their request was at first rejected by the Judge for the Preliminary Hearing; the same was re-proposed before the panel called to proceed with the immediate procedure, which, however, (since the evaluation of the request for the abridged procedure entailed access to the acts of investigation or, at least, to the minutes of the preliminary hearing) could not decide because otherwise it would have become incompatible with the celebration of the immediate procedure; subsequently, as many as two panels identified by the President of the Court to decide on this point could not proceed due to the incompatibility of some of their respective members (having already carried out judicial functions in the context of the precautionary proceedings arising from the submission of the defendants to different types of precautionary measures). At present, therefore, a further assignment is awaited.

Regardless of these circumstances, although interesting in that they can highlight the cumbersome nature of the procedural system and its shortcomings with respect to certain eventualities, the trial deserves particular attention because, in addition to having already represented the ground for the adoption of modern methods of investigation calibrated to the specific nature of environmental offences, it is and will be the starting point for interesting considerations on the current environmental criminal legislation whose effectiveness, strongly implemented in the abstract with the known reform by the L. No. 68/2015 on the so-called eco-offences, is now, in this as in many other high-profile trials currently in progress, at its trial test.

GUARDIA COSTIERA
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The Huawei project

The project, which starts in June 2021, involves the continuous monitoring and recording of sounds within the Orbetello and Burano Oasis in Tuscany and the Astroni Oasis in Campania, with the aim of detecting signs of any illegal human activities

damaging the environment and its fauna in order to prevent and combat them. In Italy, the project is part of WWF's biodiversity protection activities as part of the "ReNature Italy" campaign, which aims to regenerate Italy's nature within 10 years.

By installing solar-powered devices equipped with sensors to collect sounds from the surrounding environment and transfer them to dedicated platforms to be analysed with the support of artificial intelligence, it has been possible to protect forests and wildlife from illegal logging, poaching and other threats in 18 countries around the world. In addition, the prolonged monitoring of sounds also makes it possible to carry out studies on biodiversity and animal species, which are useful for estimating the impact of human activities on the environment.

The project aims to address the main threats from harmful human activities, such as poaching, illegal logging, unauthorised access to these areas, especially with motocross vehicles, and fireworks that can trigger forest fires.

The devices that will be installed in the three oases, called "Nature Guardians", record sounds up to 3 km2 away to send real-time alerts to WWF guards, while the others, called "Edge Audiomoths", work offline, storing the sounds of these ecosystems, the study of which will subsequently make it possible to expand current knowledge on biodiversity and analyse the behaviour of the fauna species present in order to estimate their presence and the impact of environmental changes and human activities.

The collaboration with WWF has made it possible to bring to Italy the "Nature Guardian Project", an initiative that Huawei has launched globally together with the non-profit organisation Rainforest Connection (RFCx) and which is part of its sustainability programme TECH4ALL, thanks to which the company carries out inclusion and sustainability projects by exploiting the potential of digital technologies.

These studies will also be carried out by analysing the sounds of 9 other oases: Cesine, Valpredina, Valle Averto, Ghirardi, Monte Arcosu, Valtrigona, Capo Rama, Gole del Sagittario and Levadina, selected on the basis of their biological richness and diversity.

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VI.3. Effectiveness and problems at different stages of combating WLC

From all of the above, it is clear that at every stage of law enforcement there are a number of problems that undermine its effectiveness in the short and medium to long term.

These problems are primarily related to the excessive 'weakness' of the legal instruments on which enforcement is based. This weakness has repercussions at every stage: from the reporting of the potential offence to the application of the sanction and the outcome of the trial.

In addition to the legal aspect, attention must be drawn to the lack of training, which is widespread at all levels. The absence of clear indications as to whether a conduct is lawful or not, or which authority is in charge of dealing with it, are often factors that inhibit citizens from filing a complaint. This aspect becomes even more relevant if one considers the problems arising from the absence of sufficient policing of the territory by police forces, which are often reduced to too few units.

Similarly, the lack of knowledge of the real effects of these illegal conducts often leads the magistracy to underestimate their extent.

VII.Conclusions and recommendations

Poaching in Italy is an increasingly widespread and extremely underestimated crime. The illegal killing of protected species has reverberating consequences on the country's biodiversity and economy. Species such as birds, in particular birds of prey, or large carnivores such as wolves are particularly vulnerable to being victims of WLC to the extent that these conducts contribute significantly to increasing their risk of extinction. Analysis of the data collected shows that the gain for the perpetrators of these offences is greater than the risk of having a sentence imposed, which, moreover, is often so derisory as to have no deterrent effect, together with the strong tendency to reduce the chances of a final conviction. It appears necessary for the authorities to identify adequate solutions to the issues highlighted in the report in order to implement an effective response strategy to WLC in Italy.

For law enforcement action against these crimes to be effective, there is a need for more resources (technical and financial), more specialised and trained prosecution and judicial personnel, and accessible information to support sentencing decision-making.

Based on the analysis performed, the following solutions to the identified problems are recommended:

1. *Improving information collection and analysis systems*

The planning of actions to combat these crimes cannot in fact disregard the provision of suitable **data collection systems** that can **ensure a rapid exchange of information between all the public actors** involved in tackling the problem through prevention and containment actions.

Fundamental, to this regard, is the systematic collection of data, avoiding the aggregation of information and placing at the centre the **qualitative element of the data** collected and collated, which must be sufficiently detailed, refer to the entire national territory and allow statistical elaborations on WLC patterns, legal in-depth analyses, political evaluations, etc.. It is also necessary for this information to follow the **entire chain** that

starts from the communication of the crime report and culminates in the definition of the eventual judgement in the relevant courts.

Without prejudice to this unavoidable assumption, a number of conclusions can be drawn from the investigations carried out, which, in many cases, confirm the evidence resulting from previous publications on the subject, and in other cases provide further food for thought and invitations to carry out subsequent, more specific analyses.

Firstly, it seems significant to draw attention to the need for measures to combat WLCs to always be adopted taking care to delve into the individual territorial contexts in which they are destined to produce their effects, both from a purely naturalistic and geographical point of view, as well as from a socio-cultural point of view. It is evident, in fact, how the sole recourse to an approach based on repression without a corresponding effort based on training and awareness-raising actions cannot guarantee satisfactory results in structural terms in the medium/long term.

2. *Strengthening the legislative system*

Aside from this clarification, it is evident that in Italy the fight against WLC is severely hindered by the **absence of regulatory instruments and, in particular, sanctions**, suitable both to support the activities of the police and to guarantee that dissuasive and deterrent effectiveness against those who violate the law, hopefully for profit.

It should be noted that despite the small number of staff employed in the surveillance actions, particularly in the fish/farming sector, the number of offences detected each year is significant. This element, when compared with the data provided by the CRAS, makes it possible to assess how the total number of offences is significantly higher considering that a proportion of offences are not detected or do not trigger prosecution. .

3. *Creation of coordination mechanisms between investigating authorities*

It is worth recalling that the lack of sufficient circumstantial and evidentiary elements is often determined by limited personnel and the impossibility, on the part of the authorities in charge, to make use, in most cases, of **effective investigative tools** (e.g. environmental interceptions or artificial intelligence), as confirmed during the interviews carried out during the data collection phase. In order to overcome the lack of technical and human resources, there is a need for cooperation between the investigative authorities and the CRAS, custodians of fundamental information whose function is, however, little or not at all recognised. Especially given the seriousness of the problem that WLC constitutes for Italian biodiversity and socio-economic balances..

'E inoltre fondamentale che le autorità investigative vengano periodicamente formate sulle tecniche di investigazione e rilevamento più all'avanguardia

4. *Creation of programmes aimed at training and raising the awareness of public and judicial institutions on WLC*

Further fundamental reflection must be referred to the need to invest in **training and awareness-raising** of the police forces and the Judiciary. This need has also been identified in the context of the so-called 'anti-poaching plan', which provides for a specific action within the competence of the Ministry of Justice (action 2.1.2), aimed at judicial training.
As a matter of fact, it is evident that the lack of knowledge of the extent of the phenomenon, but above all of its effects, not only in conservation terms but also in economic terms, as well as of the connections with broader criminal activities, often determines an underestimation of individual conduct and a consequent reduction of the investigative and procedural effort. This consequence is also determined by the possibility of applying 'deflationary' institutions that make it possible to reduce the number of proceedings that, objectively, burden judicial offices, through the 'sacrifice' of those files referring to unlawful conduct whose prosecution is not considered a priority, also in the light of the penalties associated with them. .

In order to ensure an effective fight against WLC, it is indeed necessary to recognise the direct and indirect causes leading to their proliferation, first of all by identifying the sectors that feed these phenomena, namely from the identification of the areas in which

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there are interests of varying nature and intensity, such as to feed even very serious phenomena integrating illegal conducts, such as theft, receiving stolen goods, criminal association, corruption, abuse of office, trafficking in unlawful influences, and vote exchange.

Conclusion

In conclusion, it is safe to assume that the combination of measures designed to increase the number of surveillance personnel, provide suitable investigative tools, envisage penalties (criminal, administrative and accessory) that are adequate and consistent with the real extent of the damage caused, and ensure full knowledge of the phenomenon, can, in an initial phase, bring about a significant reduction in the 'underground' and an initial increase in the number of offences prosecuted, until a progressive and structural reduction in the illicit conduct perpetrated is achieved.

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VII. Glossary

- **Bird snare**: hunting posts used by birders, particularly in the Po-Alpine areas, to capture live migratory birds
- **Combined provision**: principle of law resulting from the application of two or more rules
- **Hunting theft:** an offence under Article 624 et seq. of the Criminal Code, which can be committed by anyone who, without a hunting licence, engages in an activity which is absolutely prohibited under Law no. 157/1992
- **Illegal hunting:** activity carried out by persons with a regular licence, in breach of the provisions of the law, first and foremost Law No 157/1992
- **Minor fauna:** The term "minor fauna" refers to a group of small animal species such as amphibians, reptiles, fish, insects and small mammals. The term "minor" does not have any biological or systematic meaning: on the contrary, it serves as a watershed to distinguish fauna of hunting interest (mainly birds and ungulates) from that which cannot be hunted or which is not directly included in harvesting plans
- **Oblation:** Cause of extinction of the offence provided for in Articles 162 and 162 bis of the Criminal Code
- **Particular tenuity:** cause of non-punishability provided for by Article 131 bis of the Criminal Code
- **Poaching:** illegal activity consisting in the taking and/or killing of wildlife, carried out by a person not in possession of a hunting/fishing licence
- **Ringing:** a method of studying birds that consists in applying a metal or plastic ring to the bird's leg (tarsus) in order to be able to identify it unambiguously at a later date. Article 5 c. 7 of Law 157/1992 prohibits the use of live decoys "that are not identifiable by means of an irremovable ring, numbered in accordance with the regional regulations that also govern the relevant procedure"
- **Terrariophilia:** Practice involving the maintenance of a terrarium - a container that, like an aquarium, contains small habitats and species in a delimited space - in which animals, usually arthropods, amphibians and reptiles, are kept

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VIII. Bibliography

[1] Parco Pineta di Appiano Gentile e Tradate, 'I roccoli e le bersanelle', *Insubria-Olona, ambito territoriale ecosistemico*, https://www.ateinsubriaolona.it/storia-e-tradizioni/i-roccoli-e-le-bersanelle/ (consultato 20/01/2022)

[2] CREA, Carabinieri Forestali, Inventario Nazionale delle Foreste e dei Serbatoi Forestali di Carbonio', *INFC,* https://www.sian.it/inventarioforestale/jsp/01tabelle_superficie.jsp (consultato 15/01/2022)

[3] ISTAT, 'Popolazione residente al 1° gennaio', *Dati Istat,* http://dati.istat.it/Index.aspx?DataSetCode=DCIS_POPRES1

[4] Brochet A.L. et al. 'Preliminary assessment of the scope and scale of illegal killing and taking of birds in the Mediterranean'. Bird Conservation International, 26: 1-28. 2016

[5] MUSE - Museo delle Scienze di Trento, 'Progetto Alpi', *Monitoraggio e studio della migrazione post-riproduttiva nelle Alpi italiane*, http.//progetto-alpi.muse.it (consultato 15/02/2022)

[6] EEA, 'Natura 2000 Barometer', Natura 2000 Barometer - European Environment Agency, https://www.eea.europa.eu/data-and-maps/dashboards/natura-2000-barometer (consultato 08/02/2022)

[7] Ciro Troiano, LAV, 'Rapporto Zoomafia', 2021

[8] WWF Italia. 'Caccia e tutela della fauna selvatica - la legge 157/1992 a trent'anni dalla sua approvazione'. 2022, Rome, Italy

[9] ISPRA - Istituto Superiore per la Ricerca Ambientale e Comando Carabinieri Unità Forestali Ambientali e Agroalimentari, 'Piano d'azione nazionale per il contrasto degli illeciti contro gli uccelli selvatici'. 2017, 2018, 2019, 2020

[10] EUNIS - European Nature Information System, 'EUNIS Species Database', https://eunis.eea.europa.eu/index.jsp (consultato 18/01/2022)

[11] Comando Generale del Corpo delle Capitanerie di Porto - Reparto III – Piani e Operazioni - CCNP, 'Progetto LIFE SWiPE - Richiesta Invio Dati Illeciti Contro la fauna selvatica marina 2015/2020', 2021

[12] WWF Italia. 'Caccia e tutela della fauna selvatica - la legge 157/1992 a trent'anni dalla sua approvazione'. WWF Italia, Rome, Italy, 2022

[13] IUCN. 'The IUCN Red List of Threatened Species'. Versione 2021-3. https://www.iucnredlist.org. 2021. (consultato 22/02/2022)

[14] CITES, 'CITES Trade Database', UNEP World Conservation Monitoring Centre, https://trade.cites.org , Cambridge, Regno Unito.

[15] Raggruppamento CITES, 'Carabinieri Unità Forestali Ambientali e Agroalimentari - CITES', http://www.carabinieri.it/chi-siamo/oggi/organizzazione/tutela-forestale-ambientale-e-agroalimentare/comando-tutela-biodiversita'-e-parchi/raggruppamento-cites', 2021

[16] European Union, 'Copernicus Land Monitoring Service, European Environment Agency (EEA)', https://land.copernicus.eu/pan-european/corine-land-cover (consultato 12/11/2021)

[17] Ministero della Giustizia - Direzione Generale di Statistica e Analisi Organizzativa, 'Procedimenti iscritti e definiti, modalità di definizione e dettaglio relativamente a reati commessi in violazione della norma per la protezione della fauna selvatica omeoterma e per il prelievo venatorio (L. 152/1992)', 2017-2019

[18] MITE - Ministero per la Transizione Ecologica, 'Repertorio della fauna italiana protetta', https://www.mite.gov.it/pagina/repertorio-della-fauna-italiana-protetta

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PARTNERS WWF TRAFFIC

[19] Unione Province Italia - 'Polizia locale: UPI in Audizione alla Camera: de Pascale "Potenziare la polizia provinciale per una maggiore tutela dell'ambiente"', https://www.provinceditalia.it/polizia-locale-upi-in-audizione-alla-camera-de-pascale-potenziare-la-polizia-provinciale-per-una-maggiore-tutela-dellambiente/

[20] ISTAT, 'Principali indicatori sulla caccia', 2007

[21] Wolf, C. and Ripple, W.J., 'Rewilding the world's large carnivores'. Royal Society open science, 5(3), p.172235, https://royalsocietypublishing.org/doi/full/10.1098/rsos.172235 , 2018

[22] Rode, J., Flinzberger, L., Karutz, R., Berghöfer, A. and Schröter-Schlaack, C., 'Why so negative? Exploring the socio-economic impacts of large carnivores from a European perspective'. Biological Conservation, 255, p.108918, https://www.sciencedirect.com/science/article/abs/pii/S0006320720309769, 2021

[23] Waldrappteam,'LIFE Northern Bald Ibis',, http://waldrapp.eu/index.php/it/, 2013

[24] Waldrappteam, 'Annual report - Reintroduction of the Northern Bald Ibis | LIFE+12-BIO_AT_000143', LIFE Northern Bald Ibis, http://waldrapp.eu/images/Jahresberichte/eng_annual_reports/annual-report_eng_2018.pdf, 2018

[25] Lucia Russo, Diritto Penale Contemporaneo,I CRITERI DI PRIORITÀ NELLA TRATTAZIONE DEGLI AFFARI PENALI: CONFINI APPLICATIVI ED ESERCIZIO DEI POTERI DI VIGILANZA, 2016 https://www.penalecontemporaneo.it/upload/RUSSOLUCIA_2016a.pdf